

## GREG Z's "informal" Comments on 1<sup>st</sup> draft Strategic Plan

### INTRODUCTION

The introduction needs a strong statement about how the Strategic Plan is setting a vector to improvement, not establishing a program for immediate implementation and point out both the timeframe of a "Vision" is not tomorrow and that there has to be some flexibility during the transitional period. Indeed, the document says it's an "outline of broad strategic directions".

I agree with the two "fundamental conclusions" regarding increasing the capacity for public policy making. With respect to the 2<sup>nd</sup>, while I know we can't get a "guarantee" of getting back supplies taken through regulatory proscriptions, the Strategic Plan needs to maintain its emphasis on how new infrastructure can serve the co-equal values such that while at times in the future we won't be able to get the supplies we had access to in the 1990's, there will also be times when we can and replenish drawn down reserves, etc.

With regard to the performance measures, it should be clarified (a) what the baseline is, (b) if 2040 is measured against that initial baseline or against the 2020 actual and, (c) it is possible that a performance measure (in type and/or level) will not make sense in 2060 as it did in 2020, so these too must be subject to adaptive management.

### GOVERNANCE AND FINANCE

The goals look pretty good. The performance measures are a bit obtuse and not at all within the control of the CDEW, nor should they be necessarily. The 3<sup>rd</sup> measure should be more explicit that it's referring to diverters complying with reporting requirements under law for surface water and with regard to groundwater its participation in monitoring and data collection efforts.

It is unclear whether the Conservancy would have and manage any potentially dedicated water assets, or if it's exclusively focused with terrestrial habitat and interface issues. Perhaps such water assets would reside with the Delta Operations Team? This should be discussed or, if it's not considered to be worth pursuing, the document should say that.

Under Action 1.1 it says the Council will "govern" the co-equal values. What does that mean, especially as it relates to Strategy 2? Is it really to "govern" or more to monitor for "consistency" and initiate Plan revisions when appropriate? Perhaps that's not the best word to use considering the concept.

What will be the relationship of the CDEW and its Plan to the Bulletin 160 process and SWRCB processes, particularly development of a WQCP for the Bay-Delta? This needs to be discussed much more specifically.

The role, composition and power of the Delta Operations Team need much more definition. So too the California Water Utility: what would it do and not do. How would it be managed etc.?

Agree that action 2.3 related to compliance of all water diversions with permits, law and regulation will be an important management tool.

Under Strategy 1 it is unclear what "assign responsibility for" means but I like the statement that "it must do so in a way that retains needed management flexibility over the long term." Need more information on how this "assignment" is consistent with preserving existing agencies' authorities, etc.

The statement that "The Council would not subsume the authority of existing agencies..." is critical to highlight and maintain. Determining "consistency" is an interesting construct but unclear what happens if the Council determines an action is inconsistent? This has to be spelled out still. If this remains the direction of the proposal, then one suggestion would be to have the Chair of the CDEW take a CDEW Council "inconsistency determination" to the Governor's Water Policy Council for discussion and resolution. He/She should be made a member of that Council as well. The composition proposed for the CDEW Council makes sense though it would be good to add agricultural expertise to the mix.

With DWR proposed to change its focus to statewide water and flood planning and enhanced capacity to help with IRWMPs, it should also takeover the conservation and recycled water programs from the SWRCB, allowing the latter to focus on water rights and water quality.

Don't understand the need for staggered terms or terms at all for the PAG. Stakeholders should determine who represents them on the PAG. Unclear how large the PAG is and how often it would meet and whether it would do more than provide input on topics only requested by the CDEW or could the PAG initiate analyses if it thought it necessary to move the CDEW to consider an issue?

Agree that it makes sense to move current DPC appellate function to the CDEW Council.

Typo in bullet 2 on page 17 - "peripheral" not "peipheral"

Description of resolution of disputes regarding implementation of a DOT decision being appealed to the CDEW Council seems unreasonable since that would not be timely and nimble enough to deal with whatever the real time operational need was. The appeal is not the problem, the issue is whether it can functionally work in the timeframe necessary. Also, need clear statement, which seems consistent with the intent expressed throughout the plan, that the DOT will operate to criteria mandated by the SWRCB (consistent with the Plan), but with the ability to flex objectives in a manner equalized over a specified timeframe.

The SP should establish a date certain for a report (by an independent entity) outlining how the CWU would be established and setting forth issues related to also taking ownership of the CVP -- particular emphasis needs to be on financial questions which are significantly different between the two projects.

I agree that the proposed Science and Engineering Board should include members with expertise in the social sciences and policy, not just technical disciplines.

Bullet 2 on page 21 should explicitly refer to the BDCP as an example, assuming that's what is contemplated.

The discussion of "adaptive management" is not expansive enough. The Strategic Plan should serve to initiate focus on the "transition" period we are in now, before facilities are in place and before the initial brunt of climate change seriously impairs system capabilities.

The recommendation of additional resources for the SWRCB to more effectively carry out its water rights and water quality functions makes sense, but perhaps it could be stated that shifting current CALFED resources might be a good place to start. The proposal to develop a SCADA system for diversion measurement watershed wide is a good one too.

Under financing it is unclear what is meant by "private beneficiaries" being assigned revenue obligations. Does this include public water agencies? It would seem so, and the language should be reworked.

When discussing the need to protect funds collected to serve the projects collected for, there should be some mention of the need to protect them from the Legislature. It is unclear who is considered the threat to shift funding to inappropriate uses.

While a per-acre foot fee in itself is not beyond the pale, how levied, at what level and what is the \$\$ used for is of concern. What is the rationale for the "separate fee on any water conveyed through or around the Delta." Assume this 2nd fee would apply to SFPUC and EBMUD too? North Bay Aqueduct? Contra Costa Water District?

### **REVITALIZE THE DELTA ECOSYSTEM**

Goal of reducing stressors to "below adverse effects levels" raises question of whether that means ALL adverse effects or only those significant for ecosystem performance and/or water quality. Is there balancing to be done or not?

Ecosystem Performance Measures still need vetting and analysis. Even with a first measurement date of 2020, the proposed measures engender significant controversy and lack of buy in by many experts. The Strategic Plan's call for further work and assessment by the Science Panel is welcomed.

It will be critical to understand with respect to flow management what is doable and what isn't and how that might change with new infrastructure in place (near-term actions, isolated facility and new ground and surface storage).

The statement "It is also necessary to restore appropriate water quality and flows...." must be supplemented with language indicating a focus on all stressors, and here again it would make sense to add some more explicit language regarding climate change implications for air and water temperature, habitat dislocation, and species migration.

It is unclear how the desire to "inundate floodplains in as many years as possible" is not in direct conflict with the supposedly underlying strategy of projects taking "wet year" water. This should be explained further as to how it would actually work.

Discussion of levee "response strategy" should be buffed up with more definitive discussion of a "Strategic Levee Plan" per Sunne's and Ray's concepts, and how certain levees would be handled one way and others another and why. Also, which source of funds pays for which levee work will need to be identified as a major issue to be sorted out.

Strategy 5 is central to the entire effort. The proposed actions related to flows and ecosystem management should defer to the BDCP and the upcoming SWRCB Water Quality Control Plan process, and then be revisited if/when new facilities are in place. Until then, soon to be updated biological opinions will govern.

Under Action 5.4 it's desired to not pump at night and shift pumping to the daytime. There is an energy and money impact to that which will result in much higher energy costs and a drain on the grid. This needs to be carefully studied and the recommendation should be limited to critical periods, not just generally.

The recommendation related to reducing Delta outflow in the summer and fall of critically dry years should only be implemented when we have built the capacity of the system to make such a cutback irrelevant because we already have water in storage south of the Delta. That is not the situation today and unlikely to be the case until new facilities are brought on-line.

I agree that "Diversion whose capacities are inadequate to their demands have little flexibility to shift the timing of their impacts." Consequently, a new conveyance facility should be sized to ensure optimum flexibility and the ability to take large surplus or flood flows when present.

#### **WATER SUPPLY RELIABILITY**

I found much to applaud in the actions proposed, particularly dealing with infrastructure investment in the near and long term.

However, the use of the word "adequate" in goal 1 is problematic as that is a loaded term. I suggest removing that word and combining goals 1 and 2.

The notion of prioritizing water use via some assessment of the economic output per unit of water is a scary notion in many ways. While an interesting academic exercise, from a public policy perspective it seems it could totally skew the debate and you would lose the things that are difficult to value, e.g. food security. In addition, if you're going to apply this economic value overlay, how would one value the water dedicated to fisheries and then how could you compare them in a manner that's not totally apples and oranges? This seems like more trouble than it's worth at this point, without significantly more explanation of rationale and how the information would be applied.

Action 7.3 proposes a requirement that new development "will not result in additional depletions from California rivers and streams." That is simply untenable in some areas of the state. This needs to be revised. Does it mean "ever", "on average", what?

Action 7.4 pertaining to agricultural conservation needs to be more nuanced reflecting crop mixes etc.

Typo on page 43, line 39: "potential" should be "potentially"

Typo on page 52, line 4: extra period

Action 8.7 pertaining to comprehensive basin management raises the question of who would do it, DWR, or a local agency?

Is January 2010 realistic for DWR to issue report on flow requirements and storage and conveyance per the Strategic Plan recommendations considering everything else that's going on?

Under Action 9.2 there's a discussion about initiating environmental analysis and design etc. related to storage and conveyance, there should be a discussion of how this relates to BDCP and other processes so they don't duplicate and instead tier off or build on one another.

Last bullet under Action 9.3 says "single intake" when some current design proposals include multiple intakes. This should not be specified and "single intake" should be replaced with "new intake(s)"

Typo on page 61, end of line 15: need an "and"

### **THE DELTA AS PLACE**

The goal "to reduce flood risks and to strengthen selected portions of the levee system," should be more reflective of Sunne's and Ray's "strategic levee plan" concept.