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September 2, 2008

Phil Isenberg, Chairman and Members
Delta Vision Blue Ribbon Task Force
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Comments on Strategic Plan Draft 3

Dear Chairman Isenberg and Members of the Task Force:

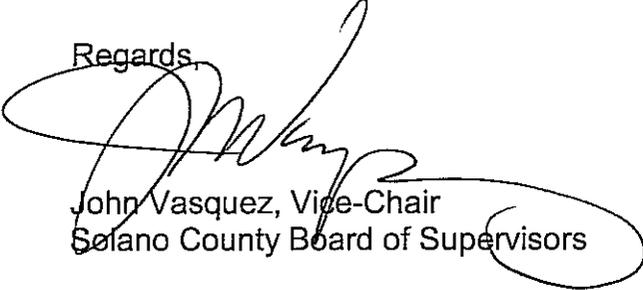
Solano County appreciates the opportunity to comment on the Delta Vision Blue Ribbon Task Force Strategic Plan Draft 3. We have put together comments on Draft 3 as an addition to those comments that were made on Draft 1 and Draft 2. The comments follow the organization of the Strategic Plan in order to facilitate your review.

Solano County will be greatly impacted by implementation of the Strategic Plan as currently drafted. Although we have many areas of agreement with the Blue Ribbon Task Force and the Strategic Plan in general, there are several areas that remain extremely problematic. Specifically the County believes the Plan should more fully address:

- Lack of assured local government representation on any governance structure
- Assured Area of Origin water rights
- Preservation of Water Quality and salinity intrusion standards
- The capacity of the engineered conveyance options; timing should occur after downstream storage and Delta community concerns have been addressed.
- Protection from sea level rise
- Socio-economic impacts, operations, maintenance and economic development revitalization costs are not fully addressed

We are hopeful that our comments provide you with an opportunity to more clearly understand and value our perspective and make changes to account for the Delta community's concerns. We appreciate your diligent efforts in this regard and look forward to opportunities to share further input in the near future.

Regards,



John Vasquez, Vice-Chair
Solano County Board of Supervisors

Attachment

cc: Governor Arnold Schwarzenegger
All Federal & State Legislative offices representing Solano County
Michael Chrisman, Secretary of Resources
Lester Snow, Director of Water Resources
Joseph Grindstaff, Director of California Bay Delta Authority
John Kirlin, Executive Director of Delta Vision
Solano Cities
SCWA
Solano EDU
Solano Reclamation and Levee Districts
Other Delta Counties
CSAC

Introduction/The Delta Vision Context

Solano County remains concerned about the threat to area of origin water rights, particularly since this draft "identifies actions which will affect all Californians and provides special status to none." The strategic plan says that some claim a privileged position, but Solano County does have legally conferred area of origin water rights.

Four Key Themes

One of the key themes is Recognition, not Abandonment. This section points to the unique character of the Delta including agriculture, recreation and a distinct social and cultural fabric. While it advocates making strategic improvements to the levee system and supporting sustainable agriculture, it is important that it also provides mitigation for economic and societal damage that result from implementation of the plan.

Strategic Direction

The first paragraph of page 12 seems to indicate that there are four coequal values—ensuring consistency of governmental action, sustainability of water supply, revitalization of the ecosystem, and recognition of the Delta as a place. Also, the fact that State interests and liabilities can be impacted by decisions such as local land use decisions should motivate partnerships, not your assertion of absolute primacy of State interests.

One continuing concern with the proposed governance structure is the anticipated responsibility given to unelected appointees which diminishes the level of accountability that would be more appropriately held by locally elected officials.

One question—would the California Water Utility be subject to the Public Utilities Commission?

The last paragraph on page 15 speaks of financing structures that will be "provided within the state's water rights system by exercising the constitutional principles of reasonable use and public trust." It is absolutely critical that this type language include assurances that the primacy of area of origin water rights is maintained and any loss of water rights would receive full compensation.

The last paragraph on page 17 says that expanding the flood conveyance capacity...must begin by loosening up the tightest bottlenecks in the system, which are usually on the downstream end." This obviously targets Solano County, and the planning to mitigate the impacts of this approach is necessary.

Page 19, paragraph 1 says that BDCP should directly assess alternative choices by how well they serve these two co-equal goals as the primary framework for analysis. It is important that this include an economic impact analysis to determine the loss of agricultural land, tax role, etc.

Ecosystem revitalization, referred to on page 20, targets Cache Slough Complex and Suisun Marsh and these efforts should ensure financial mitigation of any negative economic impacts.

Lastly, strategies to finance numerous changes in the Delta should include the ongoing operations and maintenance costs and ensure that the economic impact of dislocation in Delta communities and local government is mitigated. It would be more appropriate to control funding with elected officials who maintain direct accountability to impacted communities.

Delta Vision Blue Ribbon Task Force Strategic Plan Draft 3

Reporting Progress

Page 25, row 1, desired results could be misleading and put state subventions at risk for agricultural levees.

Page 26, row 6, "net levels...groundwater aquifers." must address Salinity in Suisun Bay.

Page 27, row 2, Performance Measures—limits should be set. An expectation should not be created that numbers will always expand until 100% is converted to non-economic uses.

Page 27, row 5, Viable Populations assumes extinction of these species will not occur naturally.

Page 28, row 2, Ducks sustained...Suisun Marsh" is internally inconsistent. If the Suisun Marsh is converted to brackish, no crops will be grown that attract these species.

Page 28, row 6, "...required Delta water user fees..." what is the fiscal reserves strategy? How will fees be audited and publically approved? (Prop 218)

Phasing

On page 30, 5, California Delta Tourism and Land Development, it appears that the State will assume direct control of everything except financial assistance to Delta communities who will be forced to convert their economies into different industries.

Strategy Descriptions

Strategy 1. Vastly improve the efficient use of water

The first paragraph on page 32 ignores the role of food as a principal means of water storage and raises social justice concerns directly related to the affordability of food. Much of the best agricultural land in the state is planned to be flooded or fallowed.

On page 34, the second bullet says that DWR shall provide continuing financial support for the California Urban Water Conservation Council and the AWMC. It is important to also include levee subventions for both project and those non-project levees that help avoid salinity intrusion.

Strategy 2. Optimize regional self-sufficiency by increasing the diversity of local and regional water supply portfolios

On Page 36, the first bullet says that local water agencies must double the current percent of treated urban effluent that is captured and reused. Where will the funding come from?

Strategy 3. Integrate Central Valley flood management with water supply planning

Page 38, paragraph 2 refers to "Expanding the... entire system." Solano County is downstream of both Sacramento and San Joaquin and will need buttressed levees and upstream detention if this plan is enacted.

Strategy 4. Improve the reliability and predictability of water diverted from the Delta Watershed to support the co-equal values.

Delta Vision Blue Ribbon Task Force Strategic Plan Draft 3

Solano County believes the vitality of Delta communities should be added to the co-equal values that are referenced on page 40.

The first paragraph on page 41 speaks of "the linchpin to...conveyance solution." This should include additional storage structures and ongoing operation and maintenance. The last bullet on this page should include "The size/capacity of an isolated facility should allow for no more volume than can be safely exported in dry years while maintaining water quality and supply in the Delta."

On page 41, the second bullet refers to 2020 and 2030. The need for sufficient downstream storage should be incorporated into the plan before improving conveyance or there will be no facilities to pump into during wet seasons.

Strategy 5. Improve water quality for drinking water, agriculture, and the ecosystem

Solano County is pleased that relocation of the North Bay Aqueduct (NBA) is included on page 43. Solano County supports recommendations regarding need to relocate intake of the NBA of the State Water Project. Suggest changing wording to say provide for an "alternate intake" to the NBA. The existing intake may still be utilized when water quality and fish problems are not a concern (pg 44-45). It will be interesting to learn the costs and funding mechanisms associated with the various elements of Strategy 5.

Strategy 6. Restore extensive interconnected habitats.

Solano County believes limits should be set on the percentage of agricultural land that is taken out of production. The remainder should have assurance of continued levee subventions. On page 47, bullet 5 refers to restoration of 15,000 acres of intertidal marsh in the Delta by 2040. How much of this is in Solano County?

Reference is made to restoring a total of 25,000 acres of intertidal marsh in Suisun Marsh by 2040. The Suisun Resource Conservation District (SRCD) is very concerned about Delta Planning processes. These processes will likely have significant impacts on the Suisun Marsh water quality (increased salinity), habitat conditions, and wetland resource values and functions. Many of these processes have been discussed in the context of changes in existing landforms, land ownership, water rights and destruction of existing wetland habitats, but without site specific information and a scientific basis for these recommendations.

Currently, SRCD has been an active participant as a principal Agency and supporter of the development of the Suisun Marsh Habitat Management, Preservation, and Restoration Plan PEIR/PEIS (the Plan). The objective of the Plan is to balance and guide ongoing operations of the diked managed wetlands and implement recovery actions for listed species. This process is scheduled to release a public draft of the Plan and PEIR/PEIS in the winter of 2008. SRCD does not want the Suisun Marsh to be the mitigation dump for Delta projects and effects without appropriate long term protections and assurance for continued water quality and wetland values.

Page 48, bullet 5 references carbon sequestration credits for subsidence-reversal efforts. Would Solano County receive credit for the Montezuma Wetland?

Strategy 7. Restore Delta flows and channels to reflect California climate patterns and support a healthy Delta estuary

Delta Vision Blue Ribbon Task Force Strategic Plan Draft 3

Solano County will watch with interest implementation of the portion of the plan referenced on page 50, bullet 1 that speaks of the SWRCB adopting new requirements to increase spring outflow and reintroduce fall outflow variability.

Strategy 8. Reduce or eliminate ecosystem stressors to below critical thresholds

Page 53, bullet 3 talks about “experimenting to reverse the spread of freshwater invasives...” This is another reason it will be important to have calculations of and strategies to limit the loss of agricultural land.

Strategy 9. Establish an effective adaptive management framework to support ecosystem revitalization

In reviewing details on page 56, Solano County feels it is important to determine how it will be possible to contain the downside risk. It may be most prudent to limit the acres used in experimentation.

Strategy 10. Establish multi-purpose migratory corridors along selected Delta river channels

Upper limits should be set for the first three items in the table on page 57.

Make protection of Delta communities and Delta public agencies from intended and unintended consequences of Strategic Plans as third co-equal value. Provide for full mitigation for impacts to Delta communities from physical and economic changes resulting from the Strategic Plan. In particular, the conversion of agricultural lands to tidal, wetland and open water habitat (pg 47-48; pg 58).

Strategy 11. Designate the Delta as a unique and valued place

As mentioned on page 60, paragraph 1, Solano County agrees that “special legal status” should be accorded to the Delta.

Strategy 12. Achieve levels of emergency protection consistent with federal and state policies

Solano County underscores the importance of ensuring greater coordination of protection and recovery efforts and providing adequate funding. Highway infrastructure is absolutely critical to effective emergency protection throughout the Delta. This makes it more important that any system recognize the role of local governments as first responders.

Strategy 13. Adopt an overarching policy for levee design, investment, financing, priorities, and maintenance

While this Strategic Plan focuses on levees that are of state importance, Solano County has additional levees that fit into each of the land use/levee use categories and some that are outside of these categories that require a multi-year funding commitment by the State to ensure a proper and sustainable transition for Delta communities.

Strategy 14. Ensure appropriate land uses in the Delta region.

Delta Vision Blue Ribbon Task Force Strategic Plan Draft 3

On page 68, paragraph 3 there is mention of sea level rise. Solano County feels it would be imprudent not to develop a strategy to protect the Central Valley from sea level rise. A calculation of loss of land in this scenario along with a cost/benefit analysis would provide valuable information in making these determinations.

Solano County believes that the last bullet on page 68 that gives DPC direct permit authority over development proposals in the primary zone (as opposed to existing appeal authority) is problematic and must be retained as a role of local government.

Page 71 references development of a model land-use protection ordinance for protecting buffer lands. Solano County would like to have this include protections to the spread of marshland and provide parallel buffer protections to prevent ever expanding ecosystem conversions. Additionally, this portion of the Strategic Plan points to the Delta Conservancy and related entities acquiring easements, purchase options, and/or fee title in areas adjacent to the highest priority ecosystem restoration areas. It is important to Solano County that the State provides assurances that these efforts will be limited to a reasonable defined ratio of mitigation for water export engineering.

Strategy 15. Create a new governance system to manage the co-equal values and other state interests in the Delta.

Solano County believes it would be in the interests of the State to ensure that majority of representatives on the California Delta Ecosystem and Water Council (CDEW) hold positions as Delta elected officials. This is important because these elected officials have a unique perspective and understanding of what is necessary to responsibly meet the needs of the community since they are closest to the people. This would increase the level of accountability the CDEW would have to voters.

Additionally, this Strategic Plan makes the Council responsible for a broad spectrum of issues. Elected officials generally have broad expertise and could undoubtedly provide a broad perspective of ongoing issues. It appears that some of the Council's proposed purview includes areas such as railroad and (federal) levees that are the exclusive responsibility of the federal government.

The fourth bullet on page 73 refers to the DPC making decisions regarding consistency with the adopted CDEW plan. Solano County strongly advocates that DPC maintains its appellate role so local government can maintain its governance role in this instance. This stance is echoed in relation to the comments in the 4th and 5th bullets on page 75.

The last secondary bullet on page 76 should incorporate O & M funding.

Do not measure water conservation on per capita basis (except possibly on a statewide basis). Per capita measurement does not accurately measure local water use efficiency because the amount of Commercial, Industrial and Institutional (CII) compared to residential use in local agencies varies tremendously. A per capita measurement is unfair to local areas with higher CII use. There must be separate goals and measurements of residential, CII and agricultural water use. Maintain California Urban Water Conservation Council principle of BMP exemptions for non-local cost effectiveness. Increasing price of water over time will automatically increase the amount of conservation without adverse local economic impacts. (pg 29 footnotes; Strategy 1 – pages 31-34; pg 81 #4)

Strategy 16. Create a California Delta Ecosystem and Water Plan to ensure flexibility and consistency of action among state, federal and local entities.

On the 2nd secondary bullet on page 86, Solano County again reiterates that local government should maintain purview as the lead planning agency and DPC should maintain its appellate role.

Strategy 17. Finance the activities called for in the California Delta Ecosystem and Water (CDEW) Plan through user fees and other effective and transparent financing tools.

On the third bullet on page 88, the reference to only four billion dollars indicates abandonment of most levees, which creates major flooding and economic problems for Solano and other Delta Counties.

Strategy 18. Improve the compliance of the diversions and use of water with all applicable laws, regulations and constitutional principles.

Paragraph 2 on page 91 points to a critical element of the strategy as coordinating authoritative oversight of the SWRCB and RWQCB to ensure compliance with the reasonable use doctrine. Solano County believes it is unreasonable and illegal to assume that water rights can be limited in the area of origin to increase supplies to export south. The following paragraph references SWRCB adding additional positions to address its expanded capacity. How would this be funded?

An argument can be made that the Delta region is self-sufficient in water supply and the Delta Vision effort would create harm. Is Southern California desalinating and harvesting stormwater for reuse? Solano County believes that it is the challenge of this Strategic Plan to ensure that each region is maximizing their existing capacities for self-sufficiency to mitigate the appearance that your efforts are more heavily weighted in favor of exporters (whom it appears will continue to increase their need for additional water supplies because of ongoing development) to the detriment of agriculture and other statewide conservation efforts.

The Strategic Plan must support long standing protections of "Areas of Origin" and priority water rights system in California law. Public trust and "reasonable and beneficial use" concepts must not be used to undermine Area of Origin and water rights priorities. To do otherwise will start a North-South water war that is an unproductive exercise that will doom any cooperative effort to implement the Strategic Plan (pg 4 last paragraph; pg 15 last paragraph; pg 91).