



September 2, 2008

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

RE: AUGUST 14 (THIRD) DRAFT DELTA VISION STRATEGIC PLAN

Dear Chairman Isenberg,

This letter is submitted as the comments of the Bay Institute regarding the August 14, 2008, third staff draft of the Delta Vision Strategic Plan. We appreciate the progress that has been made in a short period of time to produce such a comprehensive approach to managing the Delta, and continue to support the general approaches described in the most recent draft.

We recommend the following improvements and clarifications to the August 14 draft:

1. More explicitly recognize that water resources in the Delta and its Central Valley watershed are over-allocated, that current levels of diversions and exports within the watershed are not sustainable, and that increased flows for the ecosystem are a prerequisite for protecting and restoring the Delta ecosystem (pp. 16-17).

There exists an overwhelming body of scientific evidence to support the finding that the radically altered amounts and patterns of flows in the Bay-Delta estuary are inadequate to protect and restore the ecosystem, and the

draft's flow targets in Strategy 7 are a necessary response to remedy this condition. The "strategic directions" section of the draft on "Managing Delta water flows in statewide context" and related text, however, falls short of the Task Force's customary honesty by failing to fully acknowledge that very significant flow improvements – at a minimum, on the order of magnitude proposed in Strategy 7, however the precise levels and obligations to meet them are refined and revised over time – are absolutely necessary to achieve the Plan's ecosystem goal, and that the co-equal water supply goal is not likely to be achieved by continuing the current levels of diversions and exports from the Delta and its watershed, but only by implementing a combination of water management strategies (see below). The Plan should be revised to include an explicit finding that current levels of diversion and export are not sustainable, and that large-scale flow improvements are necessary to achieve the Vision's ecosystem goal.

2. Describe the "wet-period diversion system" in greater detail (Strategy 4).

In conjunction with other water management strategies, the shift to a "wet-period diversion system" has the potential to create both environmental and water supply benefits. It is essential to put flesh on the bone of this concept in the Plan. We disagree with the draft's statement that "the degree of flexibility needed to meet the Vision's co-equal goals is not understood well enough at this point to define numeric objectives" (p. 40). There is sufficient scientific evidence that diversions in drier conditions (e.g., less than 25 thousand cubic feet per second) cause adverse impacts on native species at risk of extinction or decline, and that the middle range of flow conditions (e.g., 25,000 – 60,000 cfs) provide significant benefits for estuary-dependent species, ecological processes and channel geometry. The Plan should include a description of the general approach to shifting to wet period diversions, including how drier and moderate flow conditions will be improved and at what thresholds and rates diversions will be increased, which is designed to shift diversions and exports to periods when flows exceed 60,000 cfs whenever feasible. These recommendations, as with other targets in the Plan, should be subject to

review and revision using a science-based process overseen by the new governance structure.

In addition, the Plan should identify new opportunities to capture and store water during high flow conditions. Traditional on- or off-stream surface storage is not best suited to take advantage of such conditions. In contrast, using transient storage in flood bypasses, lake bottoms (e.g., the Tulare Lake bed) or deliberately flooded islands, in conjunction with groundwater recharge and storage, holds the greatest potential for utilizing flood flows.

3. Create a stronger nexus between the implementation of water management strategies and the reduction of diversions and exports from the Delta and its watershed (Strategies 1 and 2).

Given that current levels of diversion and export are not sustainable, and that shifting to a wet period diversion system is likely to only partly offset critically needed flow improvements to achieve the Vision's ecosystem goal, the roles of regional self-sufficiency, demand management, and behavioral change in meeting the Vision's water supply goal are paramount. The draft proposes numerous water management measures that would significantly increase the conservation, reuse, and recycling of water supplies. It also promotes the ability of water agencies to survive catastrophic outages in Delta supply. But the overall effort to more efficiently use supplies should be specifically linked to reducing the overall level of reliance on Delta water supplies over the long term as a matter of course. It is highly likely that without such linkages the water savings created by new efficiencies will simply be used to offset new growth, with no accompanying improvements in Delta conditions. Likewise, the achievement of targets for multi-year resiliency should be specifically linked to achieving such long-term reductions, not just in response to catastrophic events. The Plan should be revised to include targets for reducing reliance on Delta water supplies as a percentage of overall supply in areas that divert or export from the Delta in its watershed.

4. Address the obligations of water users upstream of the Delta to contribute to meeting the Plan's ecosystem targets, and the pending applications to appropriate more water from the system (Strategy 7).

The Task Force has repeatedly emphasized the linkage between conditions in the Delta and throughout its watershed. One of the most important linkages is the effect of both Delta exports and upstream diversions to storage or direct use on Delta flows and flow conditions. Strategy 7 is silent about compliance with new flow and water quality targets, except for San Joaquin River inflows. The Plan should be revised to include the following:

- By 2015, the State Water Resources Control Board should revise the water right permit terms and conditions of Central Valley water users to order to ensure compliance with new objectives for Delta outflow and river inflow, and other criteria.

The Task Force has also recognized the threat to achieving the Vision's co-equal goals from the prospect of appropriating even more water from the system, given that applications are already on file to appropriate over 4 million additional acre-feet of water from the Delta's watershed and that many currently held water rights are not fully exercised. In addition to including a new and explicit finding that the system is over-allocated in its "strategic directions" section, the Plan should be revised to include the following:

- By January 1, 2010, the State Water Resources Control Board should make a finding as to whether waters of the Central Valley watershed have been fully appropriated per section 1205 et seq. of the California Water Code, and if so prohibit further appropriations of water or exercise of non-utilized water rights.

5. Create a new environmental water right to supplement regulatory flow requirements (Strategy 15).

See our separate comments submitted jointly with Environmental Defense Fund.

6. Address the west side San Joaquin drainage problem (Strategies 1 and 8).

The Plan is generally much stronger and more specific in identifying urban water management improvements than their agricultural counterparts. In particular, the draft fails to address the long-term agricultural sustainability of the western and southern San Joaquin Valley. There is an extensive scientific body of knowledge regarding the long-term salinization of soils in drainage-impacted areas on the west side, and the discharge of subsurface drainwaters contaminated with selenium and other trace elements to surface and groundwater resources, as a result of continued irrigation of these areas. Over 90% of the volume of drainage created could be eliminated by reducing its generation through source control and irrigation management; retiring more severely drainage-impacted lands; reusing drainwater to grow salt-tolerant crops; and reclaiming salts for commercial use. The Plan should be revised to include the following:

- By 2012, the State Water Resources Control Board should make a finding regarding the reasonableness of water use in areas of the western and southern San Joaquin Valley that are subject to poor drainage conditions and that generate contaminated drainage discharges, and revise water right permit terms and conditions and take other actions to reduce the volume of drainage generated in these areas.

Thank you for the opportunity to comment on the August 14 draft. We look forward to working with you to finalize and implement the Delta Vision Strategic Plan.

Sincerely,

TBI comments on 3rd Delta Vision Strategic Plan draft
September 2, 2008
Page 6

Gary Bobker
Program Director