January 22, 2019

SENT VIA EMAIL: cwpcma@water.ca.gov

DWR Strategic Water Planning Branch
P.O. Box 942836
Sacramento, CA 94236-0001

Re: Comments on 2018 Draft California Water Plan Update

Dear Sir/Madame:

These comments on the Draft California Water Plan Update (“Update”) are submitted on behalf of the Local Agencies of the North Delta (“LAND”). In general, LAND supports DWR’s approach in the Update. However, the Update’s support for the California WaterFix (“Delta Tunnels”) is misguided, and the Update’s description of EcoRestore is misleading.

The Update seriously mischaracterizes the Delta Tunnels in the following description:

California WaterFix is a science-driven upgrade to improve the reliability and sustainability of California’s aging water system and protect water supplies for 28 million Californians and 3 million acres of farmland. The project will also restore more natural river flows and benefit the fragile Sacramento-San Joaquin Delta (Delta) ecosystem. WaterFix marked key milestones in 2017 and 2018, and the State is working to advance the project through the remaining steps needed to begin construction.

(2019 CWAP, p. 1-2.) The Delta Tunnels are definitively not a “science-driven” project, as numerous aspects of the Project have failed to apply best-available scientific methods and data. For example, DWR has failed to properly analyze how the project would facilitate harmful algal blooms, worsen air quality, increase soil salinity to the detriment

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1 LAND is a coalition comprised of reclamation and water districts in the northern geographic area of the Delta. The comment deadline was set on a state holiday, and thus these comments are being submitted on the following work day. (See https://www.dfeh.ca.gov/contact-us/holidays/; see also California Civil Code, § 12, subd. (a).)
of agriculture, and fails to mitigate harms to special-status species, all due to a faulty and incomplete scientific approach.

The Delta Tunnels would also fail to improve the reliability and sustainability of water supplies. The project would imperil Delta water users by fundamentally changing the hydrology of the Delta. The project would reduce municipal water supply quality, threaten agricultural water supply, and interfere with groundwater recharge. Moreover, the project would not secure exported water reliability because it is not resilient.

The Update’s claim that the Delta Tunnels would restore natural flows is unsubstantiated. The reduction of Sacramento River flows by up to 9,000 cubic feet per second cannot be categorized as restoration of any kind. Allowing more through-Delta flows and reducing overall exports when flows are low would be the appropriate approach to restore natural flows.

The Delta Tunnels would similarly be an unmitigated disaster for the Delta ecosystem, destroying and disrupting habitat of special-status species such as the Greater Sandhill Crane and Swainson’s Hawk. The 15-year plus construction period for the Delta Tunnels would irreparably harm, not strengthen, the Delta’s fragile ecosystem. Overall, the Delta Tunnels are contrary to the Update’s stated goals, and other approaches to water supply reliability and sustainability are available. Therefore, this ill-advised and extremely controversial project should not be promoted the Update.

While LAND does not object to the inclusion of EcoRestore in the Update, the description and discussion of EcoRestore lacks necessary context.

California EcoRestore, initiated by the California Natural Resources Agency in 2015, is advancing the restoration of at least 30,000 acres of Delta habitat by 2020. Progress on this initiative continued to accelerate in 2018, with five significant habitat restoration projects breaking ground. A first-of-its-kind request for proposal mechanism was developed for the California Department of Water Resources (DWR) Fish Restoration Program, facilitating public private partnerships aimed at restoring thousands of acres of tidal habitat.

(2019 CWAP, p. 1-2.) EcoRestore is not a separate, new, restoration effort, but rather an amalgamation of already required restoration actions required to mitigate the effects of the state and federal water export projects. The 2008 United States Fish and Wildlife Service Biological Opinion requires 8,000 acres of tidal habitat restoration, a responsibility of the State Water Plan contractors, while the 2009 National Marine Fisheries Service Biological Opinion requires 17,000-20,000 acres of enhanced
floodplain habitat as the responsibility of the State Water Project and Central Valley Project contractors. In total, the 2008 and 2009 Biological Opinions require up to 28,000 acres of restoration, most of which has not been implemented at all. Factoring in the 2,000 acres of mitigation proposed for the Delta Tunnels project, this brings total restoration acres to the purported 30,000 referenced in the Update. An accurate characterization of the reasons EcoRestore is being carried out should be included in the Update in order to fully inform the public.

LAND is deeply concerned about the future of water supply reliability and sustainability in the Delta, and welcomes the opportunity to participate in future Updates as a stakeholder. LAND could provide constructive knowledge, expertise, and advice on environmental and agricultural matters for future Updates. Thank you for considering these comments and please feel free to contact me with any questions.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: Osha R. Meserve