

ENVIRONMENTAL WATER CAUCUS
LETTER IN OPPOSITION TO THE
BDCP PROPOSAL
October 7, 2013





CA Save Our Streams Council

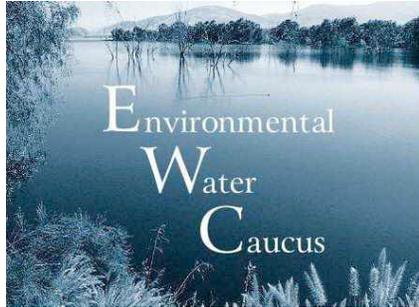


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Via email to the following addressees:

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William W. Stelle, Jr.
Acting Regional Administrator
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Jerry Meral
Deputy Secretary
California Resources Agency

We are writing to you as members of the Environmental Water Caucus to express our opposition to the current Bay Delta Conservation Plan (BDCP) proposal, which is still in draft form. We oppose the current BDCP proposal because building high capacity tunnels to remove large amounts of fresh water from the Delta will destroy the ecosystem, the fisheries, and the agricultural economy of the Delta, and because there are more environmentally appropriate and economically feasible alternatives than those contained in the current Administrative Draft describing the BDCP proposal. There are clear alternatives that can satisfy the objectives which the current proposal is attempting to accomplish without the need to build tunnels or other conveyance around the Delta.

Our objections to the current BDCP proposal are based on a number of significant problems which have not been resolved. They include:

- The benefits shown in the recent economic analysis are based on a false baseline that helps justify a favorable and illusionary amount of benefits for the \$25B project. An analysis based on the more appropriate baseline would show a negative cost-benefit ratio for the project and would not be justifiable. The statewide cost-benefit analysis conducted by Dr. Jeffrey Michael showed that the costs of the current BDCP proposal exceed benefits by a significant amount; that result has been ignored by the current proposal.
- The California Legislative Analyst's Office, in a recent legislative hearing, pointed out that the interest costs for BDCP bonds – more than \$20 billion – are not included in the cost estimates. The report also indicates that average cost overruns on major bridge and tunnel projects are 34%; that experience applied to the current BDCP proposal would also produce a negative cost-benefit ratio. It is also clear that when considering all project related costs, including potential water bond funding, the incremental costs of the project are not affordable for agricultural, urban water users, or California taxpayers.
- Part of the justification for the BDCP proposal has been to protect against earthquake damage, rising sea levels, and flood control. Statements by BDCP proponents regarding earthquake risk in particular, are not science-based and rely on scare tactics. A far more economical and less disruptive alternative to address risks has been presented by the Delta Protection Commission that accomplishes the same results through a strategic levee reinforcement plan. That plan would advance the interests of exporters in a reliable water supply and also protect local lives and livelihood, as well as the extensive existing transportation and energy infrastructure of the Delta. The current BDCP proposal does not accomplish these goals.
- The biased and “cherry picked” science that was been pointed out by the federal fish agencies. The scientific issues described by the federal “red flag” documents produced in 2012 and 2013, the critiques from the California Department of Fish and Wildlife, the critical information from the Independent Science Board and similar critiques from the National Academy of Science and the National Research Council have had minimal positive effect on the science of the current proposal.
- The current BDCP proposal attempts to use questionable restoration actions that will not contribute to fisheries recoveries, in lieu of increasing flows through the Delta which would be much more likely to have beneficial effects. Unless outflows to San Francisco Bay are increased in keeping with the findings of the State Water Resources Control Board, there will be continued loss of fish and aquatic habitat. We see no indications that BDCP is moving to increase outflows; instead the current proposal is attempting to reduce outflows during critical time periods.
- The current BDCP proposal is based on the ongoing premise that more water can be continuously transported from North to South. The reality is that given the current legal claims to water in Northern California and given the adverse impacts of climate change on Northern California's natural water supply, there is no more water for export and there will be less in the future. Although the current proposal now claims that there is no plan to export more water to Southern California, we do not believe that position and experience has shown that the capacity will be available to export more water, as indicated by the 15,000 cubic feet capacity of the tunnels. That capacity will be used under the political pressures that will prevail in the increasingly frequent dry years of the future. The Delta cannot be restored by taking more water from it in the future.
- New South Delta fish screens are not included as part of the current BDCP proposal. As BDCP will continue to rely on the South Delta pumps for a substantial percentage of project exports, new screens must be required to mitigate for project impacts. The implementation of state of the art fish

screens at the South Delta is estimated to cost in the range of \$1B and should be pursued in any plan to improve operations in the Delta and to reduce the appalling rate of fish kills in the South Delta.

- The public has been given the false choice in that potential BDCP restoration benefits make the tunnels appear acceptable. That is misleading. Restoration, species recovery, and the Endangered Species Act do not require construction of the tunnels, and the current BDCP environmental documents do not even consider project alternatives that do not include the tunnels. Moreover, the significant public investment in habitat relied upon by the current BDCP proposal is necessary to mitigate for the massive effects of constructing the tunnels.
- The latest change of rerouting the tunnels underneath Staten Island makes a mockery of the current BDCP proposal as a “conservation” project. Staten Island provides key wintering habitat for the iconic Sandhill Cranes, among other species. Staten Island was purchased and is protected by a perpetual conservation easement to preserve its habitat and agricultural values. This public investment must be honored.
- The California Legislative Analyst’s Office also pointed out that the governance of the project does not provide for adequate legislative oversight, that there are duplicate and overlapping authorities which will be inefficient, and that the Adaptive Management Team does not have an adequate process for achieving scientific consensus.

In summary, it is clear to the environmental, environmental justice, fishery, and Native American organizations throughout California whom we represent that the current BDCP proposal is unnecessary and will have severe environmental consequences. They will not accomplish the claimed biological and species recovery objectives and would be a costly mistake if implemented. The current BDCP project should be reoriented to reduce exports, increase outflows, and implement the necessary structural changes that will accomplish the goals of Delta recovery, improve water supply reliability, and reduce reliance on the Delta, which is already oversubscribed.

Over the last two years we have repeatedly presented our message to the Delta Stewardship Council, the BDCP proponents, and the State Water Board that three critical items are needed in order to produce a satisfactory solution for the Delta. Those actions are: (1). Development and adoption of enforceable water quality and quantity standards (including inflows and outflows) for a healthy Delta ecosystem prior to approval of any changes in Delta conveyance; (2). Accomplishment of a statewide cost benefit analysis based on an appropriate baseline in order to determine the economic feasibility of the proposed project, and; (3). The balancing of the public trust values in relation to water exports in order to protect our ecosystems and wildlife. Unfortunately, the current BDCP proposal has not come close to analyzing these key ingredients that are mandatory for a successful solution to California’s water issues.

The cumulative impact of the above critical flaws, contradictions, and omissions leaves us no choice but to strongly oppose the current Bay Delta Conservation Plan.



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The following Environmental Water Caucus affiliated organizations support the comments and recommendations shown in the attached letter.

The corresponding logos are shown at the front of this document.

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