

## San Luis & Delta-Mendota Water Authority



P.O. Box 2157  
Los Banos, CA 93635  
Phone: (209) 826-9696  
Fax: (209) 826-9698

## State Water Contractors



1121 L St., Suite 1050  
Sacramento, CA 95814  
Phone: (916) 447-7357  
Fax: (916) 447-2734

October 30, 2015

[BDCPComments@icfi.com](mailto:BDCPComments@icfi.com)

BDCP/California WaterFix Comments

P.O. Box 1919  
Sacramento, CA 95812

Subject: Comments on the Bay Delta Conservation Plan/California WaterFix Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement

The San Luis & Delta-Mendota Water Authority and State Water Contractors (collectively “Public Water Agencies” or “PWA”) represent those who have been funding the Bay Delta Conservation Plan/California WaterFix environmental review and planning process; a process intended to protect and restore water supplies for the state while allowing for improvements in the health of the Delta estuary.<sup>1</sup> The Public Water Agencies appreciate the opportunity to provide comments on the Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) at this crucial stage in this process. More than 9 years, well over \$240 million, and millions of hours have been expended to identify and study a workable solution through an unprecedented level of transparency and outreach. More crucial work lies ahead. While our detailed comments (attached) provide the necessary line-item feedback on the recirculated analysis, the following summarizes broader comments that merit your attention in the weeks and months ahead, as you prepare the final environmental documentation.

Overall, the proposed physical solution – creating dual conveyance by adding intakes on the Sacramento River and a twin tunnel pipeline system to transport the supply – remains a viable platform to achieve the fundamental purpose, need, and objectives for the project. It restores the ability to capture surplus flows when they are available; it provides the necessary operational flexibility; and it protects public water supplies from seismic events, sea level rise, and other natural threats. It also provides public benefits by improving conditions for fish and wildlife, and by restoring and protecting reliable water supplies, it supports multiple sectors of the statewide economy.

Despite the improvements the additional infrastructure provides, a final plan must include operational criteria that result in meeting the fundamental purpose of the project to protect and

---

<sup>1</sup> The lists of member agencies of the San Luis & Delta-Mendota Water Authority and State Water Contractors are included in Attachment 1.

restore water supply - which includes doing so in a stable regulatory environment. That is imperative for the Public Water Agencies to have a financial justification for supporting this magnitude of investment in public infrastructure. Under the preferred California WaterFix alternative, the regulatory assurances available under BDCP would not be available. However, if DWR and Reclamation pursue that alternative, we urge DWR and Reclamation to seek the strongest terms available under state and federal law that provide for reliability in water supply and predictability in financial costs.

As explained in our more detailed comments, the analysis of the BDCP/California WaterFix relies, in many cases, on science that has a high degree of uncertainty.<sup>2</sup> Most hypotheses in the science focus on flow-abundance relationships and do not address the effect of non-Central Valley Project or non-State Water Project related stressors on the ecosystem. And, none of the hypotheses in the science consider effects with dual conveyance. Thus, any operational criteria proposed at this time will be policy decisions made in the face of scientific uncertainty. The uncertain and limited science is why a commitment to a robust and collaborative process to study and identify the future operations of this modernized water system to maximize supply while avoiding jeopardy of listed fish is essential. The Final EIR/EIS should include this type of collaborative science and decision-making process between the state and federal agencies and the PWAs. We are confident that under such an approach, sufficient supplies can be safely captured in a manner that does not jeopardize fish species in the Delta or adversely modify critical habitat.

Under the California WaterFix, the Collaborative Science and Adaptive Management Program would include coordinating, monitoring, and research to test hypotheses and assess the efficacy of operational criteria for existing facilities and the new facilities, and alternative criteria that may maximize the goal of protecting and restoring water supplies up to full contract amounts in a manner that does not jeopardize fish species or adversely modify critical habitat.<sup>3</sup> Thus, an agreed-upon process to adaptively manage the future water system in light of the best available science is as important as the physical improvements themselves. Such a process must include a decision-making structure that includes the Public Water Agencies.

Overall, the environmental analysis in the RDEIR/SDEIS and 2013 Draft Environmental Impact Report/Draft Environmental Impact Statement (Draft EIR/DEIS) provide sufficient information on a broad array of alternatives in terms of water system improvements, ecosystem improvements, and regulatory approaches to achieving the project's fundamental purpose, need, and objectives. The addition of the California WaterFix responds to public and agency comments received during extensive outreach, and the California WaterFix has the potential to lessen impacts on both the ecosystem and Delta communities. The Draft EIR/EIS and RDEIR/SDEIS comply with the letter and intent of the California Environmental Quality Act and the National Environmental Policy Act, and give DWR, Reclamation, and other responsible and cooperating agencies the information needed to make an informed decision in light of the environmental impacts and relative merits of 18 project alternatives.

---

<sup>2</sup> The SWC sent a cover letter and disc postmarked October 28, 2015 that includes the studies referenced in Attachment 2.

<sup>3</sup> Under this approach, if, at the time the new conveyance facilities become operational, newly developed science or changes to the Delta ecosystem indicate that criteria that restrict operations are not required, or if less restrictive operational flow criteria suffice to meet the federal Endangered Species Act (ESA) section 7 and California Fish and Game Code section 2081 standards, the appropriate agency would likely need to reinstate consultation under ESA section 7 or commence a section 2081 permit amendment process to modify the operating criteria, as appropriate.

October 30, 2015

Page 3

We hope the attached comments will help you advance a final plan and agreements that will lead to a successful project. Thank you for your efforts.

Sincerely,



Daniel G. Nelson  
Executive Director  
San Luis & Delta-Mendota Water Authority



Stefanie Morris  
Acting General Manager  
State Water Contractors

Attachment

cc: Mark Cowin, Director, California Department of Water Resources  
David Murillo, Regional Director, U.S. Bureau of Reclamation

**Attachment 1**

**San Luis & Delta-Mendota  
Water Authority Member Agencies:**

Banta-Carbona Irrigation District  
Broadview Water District  
Byron Bethany Irrigation District (CVPSA)  
Central California Irrigation District  
City of Tracy  
Del Puerto Water District  
Eagle Field Water District  
Firebaugh Canal Water District  
Fresno Slough Water District  
Grassland Water District  
Henry Miller Reclamation District #2131  
James Irrigation District  
Laguna Water District  
Mercey Springs Water District  
Oro Loma Water District  
Pacheco Water District  
Panoche Water District  
Patterson Irrigation District  
Pleasant Valley Water District  
Reclamation District 1606  
San Benito County Water District  
San Luis Water District  
Santa Clara Valley Water District  
Tranquility Irrigation District  
Turner Island Water District  
West Side Irrigation District  
West Stanislaus Irrigation District  
Westlands Water District

**State Water Contractors  
Member Agencies:**

Alameda County Flood Control and Water  
Conservation District Zone 7  
Alameda County Water District  
Antelope Valley-East Kern Water Agency  
Casitas Municipal Water District  
Castaic Lake Water Agency  
Central Coast Water Authority  
City of Yuba City  
Coachella Valley Water District  
County of Kings  
Crestline-Lake Arrowhead Water Agency  
Desert Water Agency  
Dudley Ridge Water District  
Empire-West Side Irrigation District  
Kern County Water Agency  
Littlerock Creek Irrigation District  
Metropolitan Water District of Southern  
California  
Mojave Water Agency  
Napa County Flood Control and Water  
Conservation District  
Oak Flat Water District  
Palmdale Water District  
San Bernardino Valley Municipal Water  
District  
San Gabriel Valley Municipal Water District  
San Geronio Pass Water Agency  
San Luis Obispo County Flood Control and  
Water Conservation District  
Santa Clara Valley Water District  
Solano County Water Agency  
Tulare Lake Basin Water Storage District