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May 30, 2008

Delores Brown, Chief
Office of Environmental Compliance
Department of Water Resources
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also via e-mail: delores@water.ca.gov

RE: Comments in response to the Notice of Preparation of an Environmental Impact Report and Environmental Impact Statement for the Bay Delta Conservation Plan

Ms. Brown:

The Planning and Conservation League submits the following comments regarding preparation of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP). Because the current scoping period concerns the environmental analysis of a plan still under development, we request that the Department of Water Resources (DWR), as lead agency, initiate additional scoping and comment periods as the BDCP progresses. At a minimum, DWR should provide the opportunity for further scoping comments upon completion of the proposed plan.

We recommend that the Department of Water Resources address the following issues in the EIR/EIS for the BDCP:

A. THE EIR/EIS SHOULD CLEARLY STATE WHETHER OR NOT THE BDCP WILL BE IMPLEMENTED AS A HCP/NCCP

Neither the Notice of Preparation nor the BDCP Planning Agreement commits its signatories to pursuing take authorizations by drafting the BDCP as a Natural Communities Conservation Plan (NCCP) (under the state Natural Communities Conservation Plan Act (NCCPA)) or as a Habitat Conservation Plan (HCP) (under section 10 of the Federal Endangered Species Act (FESA)). While these documents state the *intent* to develop the BDCP as an NCCP/HCP, the current ambiguity regarding this issue must be resolved. The EIR/EIS on the BDCP, if it is to provide meaningful analysis on necessary conservation objectives for Delta species and appropriate regulatory assurances, must unambiguously report the BDCP's legal basis for take authorization.

B. THE EIR/EIS SHOULD FULLY ANALYZE AN APPROPRIATE RANGE OF REASONABLE PROJECT ALTERNATIVES

The EIS/EIR on the BDCP should include a comprehensive analysis of reasonable project alternatives. While engineering alternatives that compare different structural or routing solutions for improvements or additions to Delta conveyance infrastructure are certainly appropriate to consider, the reasonable project alternatives should also include:

- **NO PROJECT**: An alternative that fully complies with current regulatory standards, including all water quality objectives. In the recent past, water quality objectives and endangered species laws have been violated. Modeling of the no project alternative must include operations that are consistent with regulatory standards.
- **INCREASED RELIABILITY THROUGH DECREASED DEMAND ON DELTA WATER SUPPLIES* #1**: An alternative that includes reduced Delta exports and aggressive implementation of water conservation, water recycling, and groundwater treatment to fully meet water demand.
- **INCREASED RELIABILITY THROUGH DECREASED DEMAND ON DELTA WATER SUPPLIES* #2**: An alternative that considers the retirement of drainage-impaired lands in the San Joaquin Valley, consistent with the EIR on San Joaquin Valley Drainage.

All alternatives should include full implementation of species conservation measures necessary to comply with federal and state endangered species laws.

** For recommended analytical approaches to assess the effects of reduced demand on water supply and water reliability, see Section E.*

C. THE EIR/EIS SHOULD DESCRIBE HOW EACH PROJECT ALTERNATIVE MEETS NECESSARY CONSERVATION TARGETS

The BDCP process was initiated by Potentially Regulated Entities to comply with endangered species laws. The environmental review must describe how the conservation objectives are met under alternative project scenarios. This discussion must include:

- A comprehensive presentation of evidence in support of any conclusion that the water supply and reliability measures in each project alternative are compatible with the species recovery goals necessary for compliance under endangered species laws.
- A comprehensive presentation of the decision process used to set biological goals and objectives.
- A comprehensive presentation of the decision process used to select conservation measures that are expected to attain the biological goals and objectives. Even for processes that are well-understood, selection of conservation measures may not be straightforward.

- A comprehensive presentation of the scientific rationale behind selected conservation measures, including discussion of how the impacts of each measure differ by species, life history stages, or geographic area.
- A comprehensive presentation of other considerations (e.g. economic, social, political, engineering) that influenced the selection of conservation measures.

D. THE EIR/EIS SHOULD DESCRIBE THE STATEWIDE ENVIRONMENTAL IMPACTS OF EACH BDCP PROJECT ALTERNATIVE

The BDCP Planning Agreement and Notice of Preparation identify the planning area as the Statutory Delta. Whether or not the BDCP takes a broader perspective on the full range of opportunities for BDCP participants to achieve improvements in ecosystem health and water reliability (i.e. by including more actions outside of the Statutory Delta), the EIR/EIS must describe the *impacts* of the BDCP both within and beyond the Statutory Delta.

Upstream impacts that should be considered in development of the EIR/EIS on the BDCP include:

- The potential for changed operations at upstream reservoirs and any resulting change in the availability of cold water pools for fisheries (e.g. Shasta Dam, Oroville Dam)
- The potential for changed management of groundwater resources (e.g. the Tuscan Aquifer)

Downstream impacts that should be considered in development of the EIR/EIS on the BDCP include:

- the potential for continued water quality degradation caused by delivery of Delta waters to drainage impaired lands in the San Joaquin valley

E. THE EIR/EIS SHOULD FULLY ANALYZE HOW REDUCTIONS IN DEMAND ON DELTA WATER RESOURCES AFFECT THE RELIABILITY OF WATER SUPPLIES FOR USERS UPSTREAM, IN, AND DOWNSTREAM OF THE DELTA.

Recommendations for analysis of alternate demand scenarios

In order to fully analyze the impacts of reducing exports from the Delta, models such as CALSIM II and CALSIM Lite must have the capacity to simulate reduced export scenarios in meaningful ways. Modeling reduced demand in a way that does not change the timing or level of pumping is unlikely to fully capture the potential ecosystem gains of reduced demand on the Delta.

Recommendations for analysis of reliability under alternate demand scenarios

“Exceedance charts”, which show the probability of receiving a certain level (or more) of Delta water supply, generally show that large export volumes are less probable than low export volumes.

The current focus of the BDCP seems to be on finding a way to increase water supply reliability by increasing the probability of high-export years, e.g. by changing facilities or operations in some way that changes the “shape” of the exceedance curve. We have doubts that this approach is compatible with protection of the Delta ecosystem. Instead, we recommend an approach that aims to increase water supply reliability by reducing supply expectations. Because lower exports are more probable, contractors would have more consistent delivery of their expected Delta water supplies. Additionally, it’s possible that the exceedance curve under a scenario of reduced demand on Delta water is of a different shape than the exceedance curve under a scenario of current demand, which may show

additional reliability gains. That is, reliability is almost certainly increased by demanding a lower export volume; reliability may also be increased if the probability of that lower export volume increases relative to the probability under higher demand scenarios.

G. THE EIR/EIS SHOULD FULLY ANALYZE HOW EACH PROJECT ALTERNATIVE PERFORMS UNDER DIFFERENT CLIMATE CHANGE SCENARIOS

The EIS/EIR on the BDCP should include a comprehensive analysis of how conservation objectives can be met by project alternatives given the expected impacts of climate change, including:

- changes in hydrology
- sea level rise
- the possible failure of multiple Delta islands
- changes in the extent and quality of important aquatic habitats (including level and frequency of inundation, water temperature, salinity, productivity, and food web dynamics)
- changes in the extent and quality of important terrestrial habitats
- potential impacts on vital rates of Delta species (aquatic and terrestrial)
- potential shifts in species ranges of Delta species (aquatic and terrestrial)

For those alternatives which propose changes to water conveyance through the Delta, the EIR/EIS should fully compare performance of these conveyance alternatives under different climate change scenarios. The Planning and Conservation League submitted a letter (March 5, 2008) to the BDCP Conveyance Workgroup on the analyses recommended for assessing the resilience of alternate conveyance options to the expected impacts of climate change. This letter is attached (ATTACHMENT 1), and we incorporate its recommendations by reference.

H. THE EIR/EIS SHOULD PROVIDE BACKGROUND ON THE ANALYTICAL TOOLS USED IN ORDER TO ALLOW APPROPRIATE INTERPRETATION OF RESULTS

The environmental review document must include clear identification of both the strengths and limitations of the analytical tools (e.g. CALSIM II) used for analysis. A tool's capacity for sensitivity analysis (i.e. comparison of outputs given changes or uncertainties in inputs) is of particular importance given that the Delta ecosystem is both naturally variable and imperfectly understood.

I. THE EIR/EIS SHOULD DESCRIBE THE GOVERNANCE & ADAPTIVE MANAGEMENT PROCESS ESTABLISHED TO ENSURE THAT REGULATORY ASSURANCES ARE PROVIDED ONLY IF CONSERVATION ASSURANCES ARE MET

Given the tenuous state of the Delta ecosystem, the conservation goals of the BDCP must be supported by an effective governance structure and a strong adaptive management program. We recommend that the BDCP condition regulatory assurances on satisfaction of the conservation objectives. The environmental review document must explicitly describe the conditionality of regulatory assurances, including the timing of review and permitting periods.

PCL submitted a letter (May 12, 2008) to the Delta Vision Blue Ribbon Task Force recommending policy guidelines for improving water reliability for California. This letter is attached (ATTACHMENT 2), and we incorporate its recommendations by reference.

J. THE EIR/EIS SHOULD FULLY ANALYZE THE EXTENT TO WHICH THE FACILITIES, OPERATING CRITERIA, GOVERNANCE, FUNDING STRUCTURE AND TIMELINE OF THE BDCP COMPLEMENT OR CONFLICT WITH OTHER PLANNING AND PERMITTING PROCESSES.

NCCP/HCPs already in existence or in development

The EIR/EIS should discuss how the BDCP will be integrated with other conservation plans within and near the BDCP planning area.

Delta Vision

The Governor's Delta Vision Blue Ribbon Task Force is working on an "Implementation Plan" for the Delta that is scheduled to be completed by the end of 2008. The BDCP process is scheduled to have completed the Draft Plan by early 2009, such that significant planning will take place during 2008 – potentially resulting in a plan at odds with the direction of the Delta Vision Task Force.

Reconsultation on the OCAP Biological Opinions

With the recent release of the CVP/SWP OCAP Biological Assessment, the reconsultation on the OCAP Biological Opinions is now underway. The EIR/EIS on the BDCP should clearly explain how the BDCP will be coordinated with the OCAP reconsultation process.

Recovery of the Delta ecosystem will require conservation measures that are robust to scientific uncertainties, the natural variability of the Delta, and the impacts of climate change; it will also require changes in the way in which we depend on Delta water supplies for our urban and agricultural needs. PCL hopes the above recommendations and questions will assist in the development of a plan that can achieve the desired conservation goals.

Sincerely,



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Water Policy Analyst

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ATTACHMENT 1

3-05-2008 letter submitted by PCL to the BDCP
Conveyance Workgroup recommending needed
analyses for changes to Delta conveyance

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March 5, 2008

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Via e-mail

RE: Questions recommended by the Planning and Conservation League for consideration by the Bay Delta Conservation Plan Conveyance Working Group

Dear Ann, Jerry, and BDCP Conveyance Working Group members:

The Planning and Conservation League appreciates the opportunity to provide comments on the conveyance process now underway at the Bay Delta Conservation Plan (BDCP). PCL urges the BDCP process to gather the necessary information regarding the various conveyance options and their potential benefits and adverse impacts on the Bay Delta Estuary and its watersheds as quickly and as efficiently as possible.

However, the history of Delta policy in California demonstrates that a final decision should be made only after adequate information about the consequences of potential conveyance alternatives is available. In addition, given the likely uncertainties and information gaps that will exist even with the best of efforts, a discussion and decision



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regarding Delta governance reform must parallel and complement a final decision on the conveyance of water. As your group considers how conveyance may be a part of the plan for the recovery of covered species under the Bay Delta Conservation Plan (BDCP), we offer this initial list of important questions.

CLIMATE CHANGE

1. How will various conveyance options reduce or exacerbate the impact of climate change on the water quality, timing and freshwater flow needs of aquatic species?
2. How will water quality at the various proposed intake locations, including an intake on the Sacramento River, be affected by differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
3. What would it take to protect each conveyance option (including either a canal or pipeline) from the effects of differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
4. What are the necessary flows including bypass and other flows, and diversion amounts consistent with ecosystem protection under various climate change scenarios, including differing levels of sea level rise, changed hydrology, and the possible loss of multiple delta islands?
5. To what degree are the answers to the questions below sensitive to future climate change scenarios? Are some conveyance configurations more resilient to climate change? How will each conveyance option impact the ability of California's aquatic species to adapt to and recover under climate change?

PHYSICAL CONSIDERATIONS

Fish Screens

6. How will fish screens impact Delta smelt, salmon, green sturgeon, longfin smelt, splittail and other Delta-dependent species?
7. What standards exist or need to be developed for screening delta smelt, green sturgeon and other fish?

8. What bypass flows would be required for the fish screens to work effectively and how can those estimates be tested?

9. How much water could be diverted through screens meeting the necessary standards? Given the uncertainties as to how alternative facilities will impact aquatic species, what options are available for reversible experiments that would be put into place prior to making permanent commitments?

Canal or Pipeline(s)

10. What are the advantages and disadvantages of pipeline(s) versus a canal, including impacts on aquatic and terrestrial species?

11. What are the advantages and disadvantages of building a lined vs. unlined canal, including impacts on aquatic and terrestrial species?

Local drainage

12. How do the various options, including a canal, affect local drainage and the permits necessary for that drainage within and into the Delta?

Alignment

13. What are the advantages and disadvantages of different alignments for the various options, including impacts on aquatic and terrestrial species?

Sizing

14. What are the advantages and disadvantages of different capacities for a canal or pipeline(s), including impacts on aquatic and terrestrial species?

Turnouts

15. What are the advantages and disadvantages of freshwater turnouts from a canal or pipeline(s) that would discharge fresher water at various locations in the Delta, including impacts on aquatic and terrestrial species?

OPERATIONAL CONSIDERATIONS

Flow Objectives

16. What flows are required for:

- a. Hydrologic conditions that promote recovery of covered species?
- b. Effective fish screening?
- c. Support of an adequate food web in the Delta?
- d. Management of invasive species?
- e. Maintenance of water quality for other Delta beneficial uses, including drinking water, ecosystem, and agriculture?

17. How would alternative in-Delta operations change upstream operations, including effects on upstream flows, temperature, water quality and aquatic and terrestrial species?

Water Delivery Objectives

18. What amounts of water could be diverted in different water years, by season, and on average while meeting the planning goals of species recovery?

19. How would those diversion amounts differ under different climate change scenarios including differing levels of sea level rise, changed hydrology, and the possible loss of multiple Delta islands?

Water Quality Objectives

20. What would be the water quality at different locations in the Delta under different operations?

21. How would aquatic and terrestrial species have water of acceptable quality?

22. How would in-Delta agriculture have water of acceptable quality?

23. How would other water users (e.g. Contra Costa Water District and City of Rio Vista) have water of acceptable quality?

24. How would ecosystem water quality be monitored, managed, and protected?

DUAL CONVEYANCE

In addition to the applicable questions above:

25. How would the fish facilities (including both screening and handling) at the existing diversion locations in the South Delta be improved to minimize loss of fish?

26. How would different climate change scenarios affect functionality of pumps in the southern Delta?

27. What operational management conditions are necessary to avoid impacts to pelagic fish and other species at the South Delta pumps under the various conveyance options?

COSTS

28. What would be the costs for different conveyance configurations, including full mitigation and monitoring costs?

29. Who would pay the costs, and (e.g., if funded according to the beneficiary-pays principle) would different conveyance configurations and operations indicate different cost-sharing partners?

TOOLS

As analysis of these, and other, questions proceeds, the work must include clear identification of both the strengths and limitations of the available tools. A tool's capacity for sensitivity analysis (i.e. comparison of outputs given changes or uncertainties in inputs) is of particular importance given that the Delta ecosystem is both naturally variable and imperfectly understood.

In addition, to provide full transparency and openness of decision-making, the analytical tools used to evaluate these questions (for example, CALSIM Lite) must be made available to all stakeholders.

Finally, although your working group is focusing on conveyance questions in particular, we emphasize that similar effort must be put into finding answers to questions relating to issues such as governance (including but not limited to conditions of potential assurances), adaptive management for both ecosystem management and water supply, and funding structures (e.g. beneficiary pays).

Sincerely,

A handwritten signature in black ink that reads "Jonas Minton". The signature is written in a cursive, flowing style.

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Senior Water Policy Advisor

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cc: Karen Scarborough, Undersecretary for Resources

ATTACHMENT 2

5-12-2008 letter submitted by PCL to the Delta Vision Blue Ribbon Task Force recommending policy guidelines for improving water reliability for California

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May 12, 2008

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RE: Comments submitted for consideration in development of Delta Vision's strategic plan – Area (2) Reliable Water for California

Dear Mr. Isenberg:

The Planning and Conservation League submits the following recommendations for the Delta Vision strategic plan, with particular emphasis on Area (2) of your invitation: Reliable Water for California. First, we propose some general guidelines for the development of policies that support the co-equal goals of reliable water supply and a healthy Delta ecosystem. Second, we highlight several bills currently under consideration in the California Legislature which exemplify some of our key policy recommendations.

The “Water Efficiency and Security Act” (AB 2153), jointly authored by Assembly Members Krekorian and Hancock, ensures that California maintains water supply reliability while accommodating growth. In doing so, AB 2153 can maximize water availability for the Delta while ensuring water supply reliability by reducing the growth in surface water diversions upstream of the Delta, and reducing reliance on Delta water in exporter areas.

AB 2175, co-authored by Assembly Members Laird and Feuer, establishes mechanisms for reducing per capita water use by 20%.

Our implementation suggestions are particularly relevant for the following Delta Vision recommendations:

1. *The Delta ecosystem and a reliable water supply for California are the primary, co-equal goals for sustainable management of the Delta.*
4. *California's water supply is limited and must be managed with significantly higher efficiency to be adequate for its future population, growing economy, and vital environment.*
5. *The foundation for policymaking about California water resources must be the longstanding constitutional principles of "reasonable use" and "public trust;" these principles are particularly important and applicable to the Delta.*
6. *The goals of conservation, efficiency and sustainable use must drive California water policies.*
7. *A revitalized Delta ecosystem will require reduced diversions -- or changes in patterns and timing of those diversions upstream, within the Delta, and exported from the Delta -- at critical times.*

While we strongly recommend that the Delta Vision strategic plan include recommendations for legislative solutions in 2008 and beyond, we also urge participants in the Delta Vision process to, *this year*, actively support key water legislation (such as AB 2153 and AB 2175) that is consistent with Delta Vision objectives. If supported by both the Assembly and Senate, these bills may already be on the Governor's desk by the time that the Delta Vision Strategic Plan is released. Successful passage of these bills during the current legislative session will assist the Delta Vision process by building momentum for improved management of water in California.

I. Proposed policy guidelines for improving water reliability for California

PCL recommends that Delta Vision include the following policy guidelines in the Delta Vision strategic plan to be released in October 2008.

Proposed policy guidelines:

Policies for a sustainable Delta must have as their foundation an understanding of how much water the Delta ecosystem needs

The recent dramatic declines in native Delta fish populations are clear evidence that current practices in the Delta are not sustainable. Toxics, invasive species, habitat degradation, salinity and turbidity patterns, altered flows and high water exports all contribute to the Delta's ecological problems.

Policies for a sustainable Delta must be built on a comprehensive understanding of what flow regimes (e.g., quantity, flow direction, seasonal, annual and inter-annual variability) and water quality conditions (e.g., temperature, salinity, turbidity, contaminant load) are required under a variety of conditions (e.g., water year types, potential climate change impacts, different points of diversions) to provide for a healthy and sustainable Bay Delta Estuary (e.g., healthy, self sustaining populations of pelagic fish, anadromous fish, wildlife, terrestrial species and all elements of their food webs).

Policies for a sustainable Delta must go beyond “changes in patterns and timing” of diversions

CALFED's Environmental Water Account is just one example of how “changes in patterns and timing” of diversions have failed to adequately protect the Delta ecosystem. While the patterns and timing of diversions are certainly important components of any operation plan, we have seen no plausible evidence that the Delta ecosystem can be recovered simply by “tuning” the Delta.

Policies for a sustainable Delta must be designed with the ecosystem end in mind

Policies to restore the Delta must provide sufficient protections to allow for species recovery. Importantly, the needs for ecosystem restoration should be defined by science, not by what is feasible under current export levels. We are concerned that some processes, such as the Bay Delta Conservation Plan, emphasize maintenance of exports as the barometer of the type and extent of restoration possible.

Policies for a sustainable Delta must address both near- and long-term solutions

It is necessary and appropriate that any plan to restore and protect a healthy Delta include long-term planning on policies or projects that will be implemented on the scale of decades. However, it is crucial that protective policies be implemented in the near-term as well.

Options for near-term actions should be screened for feasibility and, if promising, should be implemented on a reversible, experimental, basis, with real time monitoring and adaptive management.

Policies for a sustainable Delta must take advantage of opportunities throughout the state

Delta ecosystem health and water supply reliability can be and must be addressed at least in part by solutions outside of the Delta itself.

Improvements in regional water efficiency and regional water supplies are key components of a successful revival of the Delta by reducing demand on Delta water supplies. Restoring habitat and flow conditions upstream of the Delta will contribute to a sustainable Delta by improving spawning and rearing conditions for salmon and other Delta species.

Policies for a sustainable Delta must not impair water resources elsewhere in California

While we encourage the development of policies that take advantage of opportunities throughout the state, too often, a solution to an existing problem creates a new problem elsewhere. Policies that manage water demand on the Delta should not simply displace the negative impacts of water delivery, but should reduce the environmental impacts of water delivery statewide.

For example, while one tool to manage demand from the Delta may be a more active management of groundwater storage, the appropriateness of any such plan for groundwater use will depend on local circumstances. Many residents in the Sacramento River Valley north of Sacramento have domestic wells which tap into the Tuscan Aquifer. Because of the region's geology, any intensification of withdrawals from this aquifer is likely to cause serious economic and environmental impacts in the region.

How the proposed policy guidelines will contribute to achieving the vision:

The above policy guidelines contribute to achieving the vision in that they, consistent with Delta Vision's 12 linked recommendations, provide direction for the sustainable management and use of California's limited water supply.

Potential barriers to successful policy solutions:

Besides the usual disagreements over reasonable and beneficial uses of water, some significant barriers to implementing successful policy solutions are:

- the disinclination to reduce exports from the Delta,
- the reluctance to embrace out-of-Delta solutions, and
- the unprecedented challenge of dealing with the coming effects of climate change.

How the proposed policy guidelines will serve California through 2030 and 2070

One of the themes in the policy guidelines recommended above is “living within California’s water means”. Policies that shape California’s water demand within the limitations of the state’s water supply are more likely to be sustained over the long-term than policies that focus on investment in marginal gains in traditional supplies.

How the proposed policy guidelines will address a changing Delta, including population growth, sea level rise, seismic events, and changed hydrology due to climate changes

Our policy recommendations recognize the need for water management strategies to adapt to the changing conditions in the Delta. New policies must clearly identify their resilience to a changing environment.

II. Policy measures currently under consideration in the state legislature

PCL recommends that Delta Vision actively support AB 2153 (the “Water Efficiency and Security Act”, authored by Assembly Members Krekorian and Hancock) and AB 2175 (the water conservation bill authored by Assembly Members Laird and Feuer) and encourage the Assembly, Senate, and Governor to pass these important measures.

Current bills:

AB 2153 (Krekorian/Hancock)

This critical measure (co-sponsored by the Planning and Conservation League and the Environmental Justice Coalition for Water) directs new development projects to use cost-effective water use efficiency measures and to mitigate their water demand through

investments in efficiency in existing communities or development of sustainable local water supplies.

According to the Department of Finance, by 2030 California's population will grow by 11 million. Even if those new residents conserve the 20% called for in the Governor's February letter to state senators, their annual water use will still be over two million acre-feet (of the same order of magnitude as the amount of water that the SWP can reliably deliver). While the surface storage projects currently being debated cannot meet that projected demand, AB 2153 offers a way to accommodate much of this growth.

AB 2175 (Laird/Feuer)

This important bill (sponsored by the Natural Resources Defense Council) directs California's Department of Water Resources to achieve a 20% reduction in urban per capita water use by 2020, and to reduce annual agricultural water use by at least 500,000 acre-feet by 2020.

How the current bills will contribute to achieving the vision:

Delta Vision's linked recommendations, particularly Recommendations 1, 4, 5, 6, and 7, highlight the idea of sustainability. To sustain both the Delta ecosystem and reliable water supply in the long-term, California must come to grips with the idea of limits and start to make the difficult decisions on how best to use and apportion its limited water resources.

Both AB 2153 and AB 2175 encourage the development of more water-efficient practices statewide. AB 2175 focuses on reducing per-capita water use in urban areas and on a statewide reduction in agricultural water use. AB 2153 ensures that the water demands on existing sources will not increase as we accommodate millions of new Californians.

Potential barriers to passage of these current bills:

One barrier to passage of these bills is a reluctance to accept that water from the Delta will not be the primary source to accommodate future growth. Delta Vision's recommendation (#7) for reduced diversions from the Delta is an important message that can help build support for needed changes to water use such as those proposed in AB 2153 and AB 2175.

How the current bills will serve California through 2030 and 2070

AB 2153 manages the water footprint of residential and commercial water use in a way that allows population and economic growth without further damaging the water reliability of current residents and businesses. The water conservation targets for urban and agricultural uses called for in AB 2175 complement AB 2153, since the water needs of new development will in part be mitigated by water efficiencies in the urban and agricultural sectors.

Both AB 2153 and AB 2175 provide the flexibility to incorporate new technologies and adapt to new circumstances. The hard goal of reducing (or at least not increasing) California's water demand is accomplished by measures that can evolve over the next 20 to 50 years.

How the current bills will address a changing Delta, including population growth, sea level rise, seismic events, and changed hydrology due to climate changes

Even under the expected scenario of increasing population growth and effects of climate change such as sea level rise and changing hydrology, both AB 2153 and AB 2175 promote investments in water that will "pay off" year after year. While these two bills are of course not a complete solution to California's water woes, they are an important step forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mindy McIntyre', with a long horizontal flourish extending to the right.

Mindy McIntyre
Water Program Manager

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cc: John Kirlin



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Re: Scoping Comments on Bay-Delta Conservation Plan EIS/EIR (Federal NOI and State NOP)

Dear Ms. Brown and Ms. Idlof:

These comments are submitted on behalf of the California Water Impact Network (C-WIN). CWIN requests that the scoping period on the EIS/EIR be extended or reopened until an actual "plan" is available to comment upon. To date, there is little specifically to comment on in terms of specific plans and alternatives. We fully intend to submit additional scoping comments as new scoping information becomes available prior to release of the Draft EIS/EIR.

CWIN hereby incorporates by reference the scoping comment letters by the California Sportfishing Protection Alliance (CSPA) and the Planning and Conservation League (PCL).

General Comments

The BDCP has mutually exclusive goals of providing water supply reliability and "safe harbor" guarantees to Potentially Regulated Entities (PRE), while also protecting and restoring ecosystem health and populations of listed species. CALFED proved that this cannot be accomplished, but this plan appears to be a reinitiation of that failed attempt. The BDCP is clearly a shallow attempt to obtain authorization for a Peripheral Canal under the auspices of the federal and State Endangered Species Acts. The BDCP should make recovery of listed species