

DELTA PROTECTION COMMISSION

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February 6, 2020

Nancy Vogel, Director
 Governor's Water Portfolio Program
 California Natural Resources Agency
 via email: input@waterresilience.ca.gov

RE: Governor's Water Resilience Portfolio

Dear Ms. Vogel,

The Delta Protection Commission (Commission) appreciates the opportunity to provide comments on the Draft Water Resilience Portfolio (WRP).

The Commission works to protect, maintain, enhance and enrich the overall quality of the Delta environment and economy with a focus on agriculture, recreation and natural resources, while remaining mindful of the importance of the Delta to all Californians. As the State agency forum for Delta communities, the Commission champions the statutory mandate to provide a more reliable water supply for California and protect, restore and enhance the Delta ecosystem "in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place" (Public Resources Code (PRC) section 29702(a) and Water Code section 85054).

The Commission recognizes the extraordinary level of effort and interagency coordination that has gone into preparation of this document. We view the WRP concept and initial efforts as a significant step in the process of achieving true resilience of the state's water supply. We strongly support the comprehensive and integrative review of water policy from a statewide perspective that the Water Resilience Portfolio aspires to and hope that implementation will result in a more equitable balancing of the concerns of the Delta communities we represent with the demands of the rest of the state. We do, however, believe that additional work is needed to ensure that the entire water system in the state receives a critical resilience review, and truly results in reduced reliance on the Delta for water supply.

We would like to offer the following comments and observations.

A Fresh Start is Needed

The WRP was developed in response to Governor Newsom's April 29, 2019 Executive Order calling for a portfolio of actions to ensure the state's long-term water resilience and ecosystem health that includes a single-tunnel conveyance project under the Delta. We are concerned that starting with the assumption of a Delta tunnel does not allow for serious re-thinking of the range of portfolio choices, and virtually negates consideration of alternatives in the CEQA process.

The primary WRP recommendation of concern to the Commission calls for an isolated conveyance tunnel that "limits local impacts" (Recommendation 19.1). Unfortunately, the recently-released CEQA Notice of Preparation for the Delta Conveyance Project appears to be a slightly junior version of the previous CA WaterFix. The Commission evaluated both CA WaterFix and its predecessor BDCP with a focus on how the proposals would affect the statutory mandate to provide a more reliable water supply for California while protecting and enhancing the unique cultural, recreational, natural resource and agricultural values of the Delta. CA WaterFix absolutely failed to protect and enhance the unique Delta values, and we enter a CEQA review process for the proposed Delta Conveyance Project with a skepticism that it can be accomplished in a manner that meets the requirement of California law.

The Integral Role of Delta Levees

Notably absent from the WRP is any mention of the role of Delta levees in protecting Delta communities and businesses, the water supply export system, and billions of dollars worth of critical regional infrastructure. A specific recommendation of the Portfolio Recommendations Group (a group of over 80 opinion leaders from public agencies, water/flood agencies, tribes, environmental groups, environmental justice groups, business and watershed groups) was to build on existing levee maintenance and subvention programs. Not only is this absent from the WRP; FY 20-21 funding for the Delta Levees Maintenance Subventions Program and Delta Levees Special Flood Control Projects Program is also absent from the Governor's proposed budget. Given the acknowledged and critical role of the Delta levee programs for the reasons mentioned above, this is a disappointing omission that we hope will be corrected with the Legislature's review of the Governor's proposed budget.

Recommendations in Support of Delta Values

The WRP makes recommendations intended to help protect the economic and ecological vitality of the Sacramento-San Joaquin Delta, including:

18.1 Complete and implement the Bay-Delta Water Quality Control Plan update for San Francisco Bay and the Delta, potentially through voluntary agreements.

18.2 Complete a climate change vulnerability assessment and adaptation strategy to protect people, focusing on disadvantaged communities, habitat, water quality, and supply.

18.3 Require urban and agricultural water management plans for districts that receive water from Delta-based projects to demonstrate reduced reliance on those supplies.

18.4 Incentivize and provide technical advice in land subsidence reversal and carbon emission reduction to Delta landowners for creating managed wetlands or cultivating rice. Eliminate subsidence-inducing practices on state-owned lands and pursue alternative sources of revenue to support long-term land management.

The Commission supports these recommendations. Further, we look forward to working with the Newsom Administration's proposed Climate Catalyst Fund to develop incentives that can induce private landowners in the deeply-subsided Delta to transition to crop production that halts subsidence and reduces carbon emissions.

In addition, there are several other recommendations that have statewide applicability but are particularly relevant to the Delta region. Recommendation 22.9 calls for the use of OpenET for measuring the amount of water used to grow food. This builds on the Commission's past efforts supporting the measurement of crop evapotranspiration in lieu of metering water diversions in the Delta, given that water entering the Delta does not replenish groundwater and either gets taken up by plants, evaporates, is exported, or flows to the Bay for salinity control.

In addition, recommendation 24.1 would promote broadband deployment in unserved and underserved areas, enabling the use of the latest water management technologies. The Commission recently prepared a Delta Broadband Action Plan and will work in 2020 to implement its recommendations.

Recommendation 25.2 would pursue ways to provide flood insurance outside the National Flood Insurance Program (NFIP). This supports and advances a concept the Commission has

explored in recent years in response to rising insurance premiums under NFIP. Proposals to develop a State-level program to replace NFIP in California appear worth further consideration.

Recommendation 25.9 proposes to make regularly updated bathymetric data of Delta channels available to the public to aid local flood control agencies, landowners and habitat managers. As with any data gathered for the purpose of informing construction of the Delta Conveyance Project, we encourage that this information about Delta lands and waterways be shared broadly as it has great utility throughout the Delta region for flood control planning.

Finally, the WRP articulates State agency commitments that it asserts will be necessary to implement the resilience portfolio. These commitments include institutionalizing better coordination amongst State agencies; partnerships with key non-State partners for better coordination; collaboration in pursuing federal funding and obtaining cooperation; actively integrating WRP actions across Administration efforts building climate resilience; and public reporting of WRP implementation progress. Recommendation 30.4 would pursue reform of federal hazard-related programs, potentially resulting in improvements to FEMA and USACE programs to aid recovery of Delta levees damaged in flood events. The Commission strongly supports this recommendation, which would provide relief to Delta communities and farmers.

Thank you for the opportunity to provide comments on the draft WRP, and we look forward to continuing in dialogue on this critically important issue of water resilience.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Vink', written in a cursive style.

Erik Vink
Executive Director

cc: Chairman Oscar Villegas and Delta Protection Commission members