July 22, 2014

Bay Delta Conservation Plan Comments
Ryan Wulff, National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

RE: EMWD Comments on the Draft Bay Delta Conservation Plan (BDCP)

Dear Mr. Wulff:

Eastern Municipal Water District (EMWD), is submitting the following comments on the draft Bay Delta Conservation Plan (BDCP) and the related environmental impact statement/report as released on December 13, 2013 for consideration and inclusion in the public record. As a recipient of water from the State Water Project, EMWD has a keen interest in the BDCP, and appreciates the opportunity to submit comments on the public draft of the BDCP. EMWD has also provided comments on drafts of the Delta Plan, provided testimony at the Delta Stewardship Council (Council) field hearings, and has engaged in the process in a variety of other ways.

EMWD has a diverse water supply portfolio of 55-percent imported water, 25-percent recycled water, 15-percent local groundwater and 5-percent brackish desalinated water. On average, more than half of the imported water received by EMWD is through the State Water Project and Sacramento-San Joaquin River Delta (Delta). Although EMWD has a diverse water supply portfolio and has unprecedented levels of water use efficiency with one of the lowest per-capita use rates in the state (155 GPCD), the climate and population of the area will always require that EMWD receive imported water.  

In recent years, both state and federal project deliveries have been repeatedly interrupted and reduced due to operational conflicts with threatened and endangered Delta species. Additionally, both projects risk complete failure given the vulnerability of the Delta levee system to catastrophic earthquake and flood events as there is a better than 63 percent chance of a magnitude 6.7 or higher earthquake occurring within the Delta region in the next thirty-years. An earthquake of this magnitude is estimated by economists to result in a $40 billion economic loss to the state and would threaten water supplies for Southern California, the Bay Area, the Central Coast and the Central Valley for up to three years. These risks are unacceptable, and conditions are expected to worsen unless steps are taken to mitigate these concerns.
The proposed BDCP, being developed under provisions of the state and federal endangered species protection laws, is the most promising plan developed to-date to solve these challenges and resolve decades of conflicts between agricultural, urban, and environmental water interests. The BDCP represents a comprehensive solution that achieves California’s co-equal goals of establishing a reliable water supply and restoring the Delta ecosystem for the benefit of all water users.

The release of the public draft BDCP is an important milestone in this eight-year stakeholder driven process. In a very detailed manner, the draft BDCP illustrates the complexity of the problems and highlights the need for a comprehensive approach to resolve conflicts in the Delta through a multi-species habitat conservation plan that protects the state’s water resources and infrastructure.

We are supportive of the BDCP’s environmentally superior proposed twin-tunnel conveyance system that isolates and protects drinking water supplies and helps restore natural flow patterns in the Delta for the benefit of native species; as well as the complementary habitat restoration, water quality, and predator control measures outlined in the BDCP. We also support the plan’s recognition that changing conditions in the Delta will require ongoing scientific review and real-time monitoring so the plan can effectively adapt over time to emerging science and the evolving ecosystem. The draft plan also provides an important framework for a range of operational outcomes and level of certainty necessary for a final plan to merit investment by participating public water agencies and by the state and federal governments. Although key decisions remain related to cost allocations, permitted operations, outflow range, financing and other issues, we believe the current draft details a workable solution to the challenges facing California’s water resources and the Delta.

The Metropolitan Water District of Southern California (Metropolitan), of which EMWD is a member, has established six benchmarks for a comprehensive Delta solution. These benchmarks, as identified below, are supported by EMWD and provide the basis for the analysis of the draft BDCP and comments provided in this letter:

1. **Provide Water Supply Reliability.** Conveyance options need to provide water supply reliability consistent with the Department of Water Resource’s most recent State Water Project Reliability Report (2005).

   Comment: BDCP has the potential to regain State Water Project supplies and meet this benchmark. BDCP potential water supplies are within the range of recent twenty-year averages. For the participating public water agencies, reliable and adequate supplies are necessary to make this project financeable.

2. **Improve Export Quality.** Conveyance options should reduce bromide and dissolved organic carbon concentrations. Existing in-Delta intakes cause direct conflict between the need to reduce organic carbon to meet stricter urban drinking water standards, and the need to increase carbon to promote a healthy food web for fish.

   Comment: In addition to the overall treatment benefits of reduced bromide and dissolved organic carbon, the BDCP will also provide substantial salinity reduction benefits to southern California. Existing in-Delta supplies are in the range of 300 milligrams per liter in salinity levels (expressed as the concentration of Total Dissolved Solids, or TDS). Upstream supplies on the Sacramento River are in the range of 100 milligrams per liter TDS. The construction of intakes in the northern Delta, and BDCP’s dual conveyance water operations...
strategy would provide a substantial reduction in salt loading in southern California. This is particularly important to EMWD for several reasons; but most notably the ability to sustainably manage our local groundwater basins which are periodically replenished with imported water during wet periods, and to maintain the viability of our recycled water program (which provides 25% of EMWD’s supply) through source water salinity control. Maintaining EMWD’s local supply portfolio through access to low salinity, high-quality imported water is critical to ensuring reduced the need for additional imported supplies.

3. **Allow Flexible Pumping Operations in a Dynamic Fishery Environment.** Water supply conveyance options should allow the greatest flexibility in meeting water demands by taking water where and when it is least harmful to migrating salmon and in-Delta fish species. All options should reduce the inherent conflict between fisheries and water conveyance.

Comment: The new screened intakes proposed by BDCP in the northern Delta would eliminate reverse flow conditions when water is diverted in the north and lead to a far more natural flow pattern in the estuary – a critical component of ecosystem sustainability in the Delta.

4. **Enhance Delta Ecosystem.** Conveyance options should provide the ability to restore fishery habitat throughout the entire Delta and minimize disruptions to tidal food web processes, and provide for fluctuating salinity levels.

Comment: The modernization of the Delta conveyance system as proposed by BDCP is an environmentally superior approach that is essential in order for the proposed habitat restoration to have its intended effect.

5. **Reduce Seismic Risks.** Conveyance options should provide significant reductions in risks to export water supplies from seismic-induced levee failure and flooding.

Comment: The twin tunnels to transport northern Delta supplies would protect this critical supply from future disasters. The twin-tunnel subsurface design provides important operational redundancy and reduces risks associated with surface movement – such as levee failure and liquefaction – during earthquakes, allowing for the isolation of repairs if needed to specific tunnel segments, rather than compromising the entire Delta water supply with saline ocean water, should there be a multiple-island levee failure and flooding event. Seismic preparedness is crucial for this vulnerable segment of the statewide water delivery system.

6. **Reduce Climate Change Risks.** Conveyance options should reduce long-term risks from salinity intrusion associated with rising sea levels. Intake locations should be able to withstand an estimated 1-to-3-foot sea-level rise in the next 100 years.

Comment: The proposed intakes in the northern Delta are upstream of predicted long-term salinity intrusion due to climate change. The future water system must be sized sufficiently to capture water when available in the face of climate change.

In addition to the previously addressed comments, the draft BDCP raises other issues that EMWD believes are important. These include:

- **Governance:** The final BDCP governance structure must provide for public water agencies to be full participants in the implementation process in a manner that maintains the existing
authorities of the state and federal wildlife agencies. Metropolitan must be among the project permittees in order to assure its active participation in BDCP.

- **Assurances**: As a Habitat Conservation Plan under Section 10 of the federal Endangered Species Act (ESA) and a Natural Community Conservation Plan pursuant to Fish and Game Code Section 2800 et seq.; BDCP offers a path of regulatory stability for both the public water agencies and the wildlife agencies. It is important to better define and describe this regulatory stability so that the final BDCP offers a clearer choice between this approach and today’s ineffective species-by-species approach to regulation and ESA enforcement.

- **Co-Equal Goals**: The Delta Reform Act of 2009 passed by the California Legislature established the co-equal goals of a reliable water supply for California and ecosystem restoration for the Delta. The BDCP must be implemented in a manner consistent with the co-equal goals.

- **In-Delta Impacts**: We are encouraged by recent changes in the proposed intake/tunnel project that will reduce by 50 percent the overall footprint of the project. While the hydrological simulation model in the BDCP analysis suggests that Delta salinity objectives may be exceeded in some instances, the DEIR/S explains that this is due to modeling anomalies. In any event, the project would be operated to meet all Delta Salinity Standards thus it is not expected to have a significant impact to local agriculture.

- **Habitat Restoration**: Habitat restoration, meanwhile, is expected to lead to a net increase of 50,000 local Delta-area jobs. Continued efforts to reduce in-Delta impacts and increase in-Delta benefits of BDCP will improve the final project.

Metropolitan and its member agencies, including EMWD, and our ratepayers have been investing in the State Water Project for more than four decades, and have additionally invested in regional storage and conveyance to allow Southern California to capture water when it is plentiful and reduce demands on imported supplies during dry and critically dry years. These investments are effectively stranded, if water deliveries from the project continue to degrade.

The State Water Project provides essential water supply and water quality benefits to Southern California and, as noted earlier, helps EMWD and the region achieve critical local water resource development objectives. When blended with the southland’s other imported water source, the Colorado River, State Water Project water helps ensure water recycling and groundwater production is sustained. Recycling might otherwise be limited since Colorado River water is over twice the salinity level and recycling concentrates salts to levels that can exceed protective groundwater basin standards. Similarly, recharge of Colorado River water alone into many groundwater basins, including the principal potable water supply groundwater basin in EMWD’s service area, would not be permitted under basin plan salinity objectives set forth by the State Water Resources Control Board.

The proposed BDCP is the most comprehensive effort ever undertaken to address the chronic water challenges facing the state and federal water projects in a manner that is protective of the Delta environment. We urge the state to move forward with the draft plan and focus on resolving those remaining issues needed to provide assurances that the plan will achieve California’s co-equal goals of water supply reliability and ecosystem restoration in a cost-effective manner.
Thank you again for providing the opportunity to comment on the draft BDCP. If you have any questions regarding this correspondence please contact me at (951) 928-6130 or by e-mail at jonesp@emwd.org, or EMWD’s Sacramento advocate, Ron Davis at (916) 492-6082 or rdavis1228@gmail.com.

Sincerely,

Paul D. Jones II, P.E.
General Manager

Cc: Governor Jerry Brown
    Senator Diane Feinstein
    Senator Barbara Boxer
    Congressman Ken Calvert
    Congressman Duncan Hunter
    Congressman Mark Takano
    Congressman Raul Ruiz
    Senator Joel Anderson
    Senator Richard Roth
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