



925 N. Yosemite Street, Unit 3
Stockton, CA 95203
(209) 475-9550
www.restorethedelta.org

via email to: input@waterresilience.ca.gov,
karla.Nemeth@water.ca.gov
wade.crowfoot@resources.ca.gov

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Karla Nemeth, Director
California Department of Water Resources
1416 Ninth Street, 11th Floor
Sacramento, CA 95814

Wade Crowfoot, Secretary
California Natural Resources Agency
1416 Ninth Street, 13th Floor
Sacramento, CA 95814

Subject: **Restore the Delta's comments on Water Resilience Portfolio**

Dear Director Nemeth and Secretary Crowfoot:

Restore the Delta (RTD) advocates for local Delta stakeholders to ensure that they have a direct impact on water management decisions affecting the water quality and well-being of their communities, and water sustainability policies for all Californians. We work through public education and outreach so that all Californians recognize the Sacramento-San Joaquin Delta as part of California's natural heritage, deserving of restoration. We fight for a Delta whose waters are fishable, swimmable, drinkable, and farmable, supporting the health of the San Francisco Bay-Delta Estuary, and the ocean beyond. Our coalition envisions the Sacramento-San Joaquin Delta as a place where a vibrant local economy, tourism, recreation, farming, wildlife, and fisheries thrive as a result of resident efforts to protect our waterway commons.

RTD has participated directly in Governor Newsom's "water resilience portfolio" process from the outset. Barbara Barrigan-Parrilla, RTD's executive director, met several times last summer and early fall with state Natural Resources Secretary Wade Crowfoot, Water Resilience Portfolio manager Nancy Vogel, and Delta Conveyance Design and Construction Authority director Kathryn Mallon to discuss content for the portfolio and to provide them with insights into the Delta's needs from the process and present ideas concerning seismic resiliency and environmental justice considerations for the process. Tim Strohane, RTD's policy analyst, joined Ms. Barrigan-Parrilla for one such meeting in June.

Restore the Delta staff also participated in preparing a recommendation letter for sustainable projects for the Water Resilience Portfolio as a member of the OneWater Network, and participated in collaborative Water Resilience Portfolio planning efforts as part of an effort led by Jason Peltier and Jonas Minton. In other words, we have worked to diligently to collaborate with the development of sound water policies and projects to ensure California’s water future.

From early discussions, we learned that the California Natural Resources Agency (CNRA, which includes the Department of Water Resources [DWR]) considered seismic challenges in the Delta and climate change were key topics to be discussed in the draft Water Resilience Portfolio (Draft WRP) report that was to be released in the fall. On the strength of our exchanges with these state water officials, we wrote and issued last August a report, *Climate Equity and Seismic Resilience for the San Francisco Bay-Delta Estuary*.

Also last fall, RTD participated in two Delta Roundtable meetings organized and led by Secretary Crowfoot. The first meeting took place in Walnut Grove in September, and the next meeting occurred in the Roberts Union Farm Center on Roberts Island in the south Delta. At both of these meetings, the Secretary heard from RTD and the Delta’s interested publics, including local appointive and elected officials about the challenges the state faces with developing its Draft WRP and continuing to push for a single tunnel project to convey water for export under the Delta to the Banks and Jones pumping plants of the state and federal water systems. These challenges included providing greater emphasis on water conservation, through-Delta flows and restoration actions—including reduced Delta reliance, levee strengthening, and attention to the scientific merits of past state claims about seismic risk in the Delta.

The Draft WRP released in early January this year was a great disappointment to us because sound solutions suggested by us and dozens of other water policy experts, outside the water agency industry, are not being given full consideration. Without the expertise of conservationists, lawyers, and environmental justice leaders, the plan falls short because it is a rehash of the water industry status quo, which has a vested interest in doing business as usual. Our comments here will detail our criticisms in Attachment 1 to this letter. In short:

- **The Draft WRP document recycles long-standing talking points about the need for new conventional (dams and conveyance) water projects, while failing to commit to reduced Delta reliance for California’s future water needs as called for in the Delta Reform Act of 2009.** As we have said many times to our previous governor, these are twentieth century solutions to twenty-first century problems.
- It appears to RTD that **Draft WRP’s needs assessment and project/program portfolio have been assembled in a manner unrelated to each other.** Moreover, the needs sections of the report do not pass as analysis. They continue DWR’s tradition of assembling atlases rather than soundly estimating water needs.

- The Fourth California Climate Assessment (4CA) was largely ignored by the Draft WRP. This leaves us with the disturbing impression that **DWR regards the 4CA with contempt and ignores water-related findings from its supporting studies provided by some of its own scientists and modelers in formulating future water strategies for our state.**
- **The Draft WRP appendix describes Delta land subsidence problems in Appendix Appendix 3, Section 2 (“Regional Assessment”) while ignoring long-standing and emerging land subsidence from groundwater overdraft in the San Joaquin Valley. This subsidence undermines important public aqueducts, the Friant Kern Canal and the California Aqueduct/San Luis Canal.** These subsidence problems, unlike Delta subsidence issues pose clear and present supply and flow reductions for state and federal water contractors, and yet Delta subsidence gets its own section in the Draft WRP. The canals south of the Delta have experienced rapid land subsidence in recent years reducing conveyance capacity now, and for which repairs and groundwater regulation will be urgently needed to control and stabilize the problems. Yet the Draft WRP fails to include this scope of work as part of the investments needed to make the state’s water systems more resilient, whatever shocks and stresses the systems experience. We find the Draft WRP decidedly un-serious because of this hypocrisy. As for Delta subsidence, the Draft WRP recycles analysis that is at least fifteen years old, and fails completely to account for why Delta levees continue to function well, despite the State’s fear-of-failure message campaign over this same period. We addressed this with a literature survey of recent seismological research in our August 2019 report, Attachment 1, Chapter 2. Our efforts to contribute to the portfolio process as a search for meaningful resilience strategies were ignored.
- **The proposals section of the Draft WRP predominately benefit agriculture while providing lip service to conservation and environmental resiliency for all Californians.** When we saw this emphasis, we realized that concerns we raised in our August 2019 report about the future of Central Valley heat, irrigation, and crop adaptation challenges had been ignored. The Draft WRP is not based upon reasoned study of what agriculture and California cities need to cope with water supply needs in the future under a warming and more hazardous climate regime; it recycles water project proposals that are increasingly unjustifiable and over-prioritized given the threats California faces. It is based on a desperate desire to continue, especially for industrial San Joaquin Valley agriculture, business as usual.
- **The Draft WRP fails to address the pressures on marginal agricultural lands (especially in the San Joaquin Valley) that continued land contamination with salts and other chemical sources and the looming regulation of groundwater production to reduce and end overdraft over time.** There is no effort to address the dilemma that environmental and regulatory change will cause for this region of California. This alarms us, since leadership in the Valley believes that with enough persistence and political pressure it can increase Delta exports. This “blueprint” is their Plan A and their Plan B, even though the reality of groundwater sustainability needs is

coming into focus for water users in the Valley. We wish no one ill; there just has to be accommodation among all regions, reduced Delta reliance and sustainable groundwater management speak as state law. The Draft WRP is a resilience strategy that puts Valley grower interests before the rest of California, especially the Delta and San Francisco Bay and their environmental justice communities.

- Finally, **the Draft WRP is mute on strategies for helping Delta and other regions’ environmental and climate justice communities adapt to and avoid climate change burdens they presently face.** These burdens include rising air and water temperatures, leading to public health problems like harmful algal blooms (HABs) in the Delta and other state water ways. These are associated with heat waves, harmful algal blooms, potentially greater contamination of subsistence fish species, and reduced water quality from the Delta water supplies.

“Water resilience” represents the ability of people and societies to withstand or recover quickly from difficult conditions or circumstances—such as the potential effects of large earthquakes and climate change on California’s water systems, water supplies, and natural endowments of water. Upon first hearing last spring, we took “water resilience portfolio” to mean a process wherein the state would:

- Study what features of local, regional, state and federal water systems from the standpoint of their existing capacity to bounce back to normal operations from and during drought, flood, and earthquake events and risks;
- Consider the implications of climate change and earthquake damage events for these water systems;
- Assess the physical and economic need for new supplies based on any deficit that might have been identified;
- Evaluate what types of projects should be included in the portfolio; and
- Begin determining priorities and costs associated with those projects that would increase “resilience” of the state’s water system. This has not occurred with this document.

Nothing resembling such a method is followed in the Draft WRP. It appears to us that whatever comments the state receives on this draft portfolio report, the Draft WRP will be rushed into its final form with little or no further analysis or consideration of the issues that it suppresses to this point. This is disappointing.

We incorporate by reference our Climate Equity and Seismic Resilience report from last August. Its analysis holds up, and remains unchanged with respect to what the state of California needs to accomplish to achieve a truly resilient water system. Formally, it is Attachment 2 to this letter. We have included a URL by which we request the state

download this report so that it is incorporated into the administrative record on the Water Resilience Portfolio.

In our report we stated five key questions by which we would evaluate the Draft WRP. Here are the questions and our answers:

- **Does the plan reduce water exports?** No. The plan does not intend to reduce water exports because it incorporates new storage targeted for agricultural water users, and a new tunnel that is explicitly intended to promote water transfers from north of to south of the Delta.
- **Does the plan protect Northern California Indigenous tribes?** No. The plan fails to protect the cultural and nutritional needs of California Indigenous tribes because these Indigenous communities depend upon returning populations of salmon to their upstream, natal homes, where Indigenous tribes catch the fish to store and consume as well as incorporate into their cultural practices and religions.
- **Will the plan seriously consider climate change?** No. The plan fails to seriously consider climate change except in the most general ways of acknowledging rising air and water temperatures, greater flooding and drought potential, and sea level rise.
- **Will Delta levees be fixed?** No. It appears that investment in Delta levees will be at best a low priority, even though the single tunnel project will be operated only about half the time; the rest of the time, through-Delta conveyance will continue which means that Delta levees will continue to be essential to operations of the state and federal Delta export systems (Banks and Jones pumping plants in the South Delta). Yet the Newsom Administration’s January 10th proposed budget for Fiscal Year 2020-2021 contains no funding for the Delta Levee Maintenance Subventions Program. Did state officials learn nothing from their own environmental documentation of the California WaterFix project? If ignored too long, extreme flooding could result in curtailment of some portion of through-Delta conveyance operation, which would be a grave and expensive hardship for San Joaquin Valley and Southern California water importers.
- **Does the plan protect Bay-Delta environmental justice communities?** No; see our answers to each of the previous questions. The plan acknowledges environmental justice issues in minimal fashion, but it fails to address the likelihoods of salinization of Delta waters and, with climate change, the spread of HABs. While a monitoring program is described, without tackling the underlying causes of HABs, such as lack of cold-water flows and water quality, a monitoring program will simply track the continued deterioration of water quality. Moreover, the state’s neglect of Delta levee investments in this plan will increase the likelihood that the flood hazard potential now facing Delta environmental justice communities will increase with time.

From a climate change standpoint, droughts are predicted to occur more frequently than they now do, which would include periods that are longer than what California just

experienced 2012 to 2015. The data in Figure 2 (p. 54) indicate that four years in, urban and irrigated farm developed water use were forced down. Had 2016 and 2017 been dry years too, what then—especially for Central Valley agriculture? We find no planning for such events in the Water Resilience Portfolio.

As noted above, State officials involved with preparing the Water Resilience Portfolio ignored not just our scientific literature review of both seismic risk to the Delta and climate change effects above, below, and in the Delta, they ignored the state’s own studies prepared as and for the Fourth California Climate Change Assessment. More recent climate science reveals that continuing decreases in Arctic ice will lead to more atmospheric rivers—a likelihood that increases flood risk in the state’s future and for Delta environmental justice communities.¹ In addition, another recent paper concluded that “After considering abrupt [permafrost] thaw stabilization [through greenhouse gas offsets of slowly regrowing vegetation and thermokarst lake drainage], we conclude that models considering only gradual permafrost thaw are substantially underestimating carbon emissions from thawing permafrost.”² More heat in the Arctic will likely drive more energy in our atmosphere. In turn, the warming Pacific region portends more drought and more floods for the west coast of North America, including California’s Central Valley.

We thank you for the opportunity to comment on the Draft WRP. Our attachments should be downloaded from the attached links and made part of our submittal to the state; their incorporation is the full and complete record of our communication to you. If you have questions, you may reach us via email as indicated below our signatures.

Sincerely,



Barbara Barrigan-Parrilla
Executive Director
barbara@restorethedelta.org



Tim Stroshane
Policy Analyst
tim@restorethedelta.org

Attachments:

¹ Kennel, C.F., and E. Yulaeva. 2020. Influence of Arctic sea-ice variability on Pacific trade winds. *Proceedings of the National Academy of Sciences* <https://doi.org/10.1073/pnas.1717707117>; and Peter Fimrite, “Atmospheric rivers that hit California getting a boost from melting Arctic ice,” *San Francisco Chronicle* January 27, 2020. Accessible at

² M.R. Turetsky, et al. 2020. Carbon release through abrupt permafrost thaw. *Nature Geoscience* 13: 138-143. February. Accessible at <https://www.nature.com/articles/s41561-019-0526-0>.

1. *Climate Equity and Seismic Resilience for the San Francisco Bay-Delta Estuary*. Accessible at https://www.restorethedelta.org/wp-content/uploads/RTD_Climate_Equity_Report_2019_Final.pdf
2. Portfolio Recommendations Group submittal to Water Resilience Portfolio Process, September 19, 2019, accessible at <https://portfoliorecgroup.org/2019/09/19/recommendations-sent-to-the-governor/>.

Cc: Erik Vink, Delta Protection Commission
Thomas H. Keeling, The Freeman Firm
Kelley Taber, Somach & Simmons
S. Dean Ruiz, South Delta Water Agency
John Herrick, South Delta Water Agency
Dante Nomellini, Central Delta Water Agency
Osha Meserve, Soluri Meserve LLC
Roger Moore, Law Office of Roger B. Moore
Jonas Minton, Planning & Conservation League
Bob Wright, Sierra Club California
Bill Jennings, California Sportfishing Protection Alliance
Chris Shutes, California Sportfishing Protection Alliance
Carolee Krieger, California Water Impact Network
Michael B. Jackson, California Water Impact Network
Barbara Vlamis, AquAlliance
Regina Chichizola, Save California Salmon
Tom Stokely, Save California Salmon
Patricia Schifferle, Pacific Advocates
Kathryn Phillips, Sierra Club California
Brandon Dawson, Sierra Club California
Adam Keats
Doug Obegi, NRDC
Kate Poole, NRDC
Jon Rosenfield, San Francisco Baykeeper
Gary Bobker, The Bay Institute
Noah Oppenheim, PCFFA
John McManus, Golden State Salmon
Michelle Ghafar, Earthjustice
Nina Robertson, Earthjustice
Dillon Delvo, Little Manila Rising
Elaine Barut, Little Manila Rising
Jasmine Leek, Third City Coalition
Sammy Nunez, Fathers and Families San Joaquin
Irene Calimlim, Fathers and Families San Joaquin
Nathan Werth, Substratum Systems
Tama Brisbane, With Our Words
Nicholas Hatten, LGBT Social Justice Initiative