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MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
OF SOUTHERN CALIFORNIA

October 8, 2015

BDCP/California WaterFix Comments
P.O. Box 1919
Sacramento, CA 95812

Received
OCT 13 2015

Dear BDCP/California WaterFix:

Las Virgenes Municipal Water District (LVMWD) respectfully submits its comments on the Bay Delta Conservation Plan/California WaterFix (BDCP) and the recirculated draft environmental impact statement/report released on July 10, 2015.

Under normal conditions, LVMWD relies entirely upon State Water Project (SWP) supplies, which are an important component of Southern California's overall water portfolio, to meet its potable water demands. LVMWD is challenged with the lack of local water supplies, other than recycled water. In wet years, the SWP provides significant quantities, allowing the Metropolitan Water District of Southern California (MWD), LVMWD's sole supplier of potable water, to store water for drought-cycle needs. In fact, the current drought would have impacted Southern California with much more severity if MWD had not stored significant water reserves. However, the ability of the SWP to capture wet-period water is at severe risk given the existing configuration of the pumping system, regulatory constraints and long-term threats due to climate change and natural events such as earthquakes and flooding.

The modified preferred alternative outlined in BDCP represents a significant shift in this nine-year planning process that LVMWD reviewed and considered carefully. BDCP began as an effort seeking to combine water and ecosystem improvements within a single permitting construct as a habitat conservation plan under Section 10 of the federal Endangered Species Act (ESA) and as a Natural Communities Conservation Plan under the California ESA. The modified preferred alternative (Alternative 4a) delineates a different approach, with intake/conveyance improvements proceeding as a stand-alone project with ESA permitting similar to the approach taken under the existing ESA permitting/regulatory construct of the SWP. Meanwhile, approximately 30,000 acres of proposed Delta ecosystem improvements would proceed on a parallel, but separate program known as "California EcoRestore". LVMWD understands the rationale of this modification is to identify an achievable path to permitting given overwhelming scientific uncertainty on how to best manage the Delta in future decades. The ability of public water agencies to participate in a historic reinvestment of the SWP will rely on a final plan that meets the co-equal goals of water supply reliability and restoration of the Delta.

LVMWD remains supportive of the proposed configuration of water supply improvements. New intakes in the northern Sacramento River Delta would provide the opportunity to divert high-quality supplies and address reverse-flow conditions in the southern Delta rising from the existing diversion system. The proposed twin-tunnel conveyance would protect this supply from seismic events and sea level rise. Proposed project modifications, such as the consolidation of intake pumping into a single facility in the southern Delta near Clifton Court Forebay, would further reduce the physical footprint, minimizing impacts to Delta communities and existing land use activities. We continue to support efforts to improve real-time monitoring and embrace adaptive management as essential methods to refine project operations over time to protect threatened natural fisheries and water supply reliability.

The following comments are consistent with, and supplement, the long-standing criteria for a Delta solution:

- **Water Supply Reliability:** A successful final plan would accomplish multiple reliability needs: It would re-establish a consistent ability to capture wet-period supplies in a range of year types. It would improve delivery reliability in an average year and would protect supplies over the long-term. The draft EIR/EIS provides some information that is useful for analysis. Yet, additional information would be helpful to compare potential water supply capabilities under various future scenarios. MWD has invested billions of dollars developing a storage and distribution system designed to capture SWP supplies when they are available and limit demands on the SWP during dry periods. This water management strategy is the "big gulp, little sip" approach.

- **Project Mitigation:** The preferred alternative significantly increases habitat mitigation related to construction compared to the project as proposed in the draft EIR/EIS in December 2013. Little rationale is provided for the increased mitigation requirements. While full mitigation for project impacts is always appropriate, placing an excessive burden on mitigation for any project, particularly one the size of California WaterFix, is not. A careful review of all the target mitigation acreages is appropriate in order to identify a final mitigation strategy commensurate with impacts. Shifting away from a habitat conservation plan is not a reason to conflate mitigation requirements for the project and unduly impacts the final cost.

- **Improved Water Quality:** The preferred alternative continues to advance the objective of improving SWP water quality. High source quality for this imported supply is essential for LVMWD and other agencies to increase the production and usage of recycled water. In addition, the new modeling and analysis of in-Delta water quality is helpful information to assure that the state can meet overall water quality objectives in the estuary.

- **Flexible Pumping Operations in a Dynamic Fishery Environment:** The preferred alternative continues to advance the objective of avoiding conflicts with migrating fish species. It is particularly important to embrace an adaptive management approach to project operations to resolve fall outflow requirements for delta smelt, spring outflow requirements for longfin smelt, and operating constraints for south Delta diversions. Significant improvements in water reliability may be achievable without adversely affecting habitat conditions for important fish species. Management of this system must be as dynamic as the estuary itself.

- **Delta Ecosystem Restoration:** Under the preferred alternative, this responsibility shifts from BDCP to California EcoRestore and separate from California WaterFix. California EcoRestore is not an official part of this public comment process. However, this recirculation provides an opportunity to share input. State agencies need to clarify their leadership roles in projects identified in California EcoRestore. Whether the state intends to be a lead agency on any given project, for example, remains to be seen. The acreage targets and timetables set forth in California EcoRestore cannot be achieved without lead agencies, expeditious planning and the securing of financing. While California EcoRestore is a promising and potential construct for habitat restoration, basic operational details remain unclarified. A more robust program is essential in order to demonstrate that water system investments will be matched with commensurate ecosystem improvements.

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- **Seismic and Climate Change Risks:** The modified preferred alternative continues to provide the necessary design and system redundancy to reduce seismic and climate change risks. Research into seismic risk is underway. As an example, the potential of levee collapse due to the compaction of peat soils is a new and relatively poorly understood failure mechanism. Previous studies had largely centered on soil liquefaction. The likelihood of levee failure due to a natural disaster appears to be increasing, rather than decreasing, with improved scientific information and understanding. Reducing these risks is essential to water supply reliability. Conveyance improvements must be sized sufficiently to capture water when it is available. Initial proposals for a larger conveyance system were not pursued due to feedback from wildlife agencies. The final project must be sufficiently sized to adequately address these risks.

- **Governance and Adaptive Management:** As a habitat conservation plan, BDCP had been proposing a detailed governance structure in order to implement various conservation measures. The modified preferred alternative no longer proposes to advance a habitat conservation plan. However, an adaptive management process to guide future water project operations is essential to the long-term success of California WaterFix. The same holds true for advancing tidal and floodplain habitat restoration projects as mandated in the existing biological opinions for pelagic and anadromous fish species. The need for an effective governance/adaptive management structure in partnership with public water agencies is as necessary under California WaterFix/California EcoRestore as it was under the previous BDCP construct. Such a structure must be fully detailed and agreed upon before decisions can be made by public water agencies to invest in a final project proposal.

This recirculation process represents the last milestone before advancing to a final EIR/EIS and Record of Decision. LVMWD appreciates the extensive efforts of state and federal entities in advancing this process so that a final proposal can be put forth in 2016. It is essential to expeditiously resolve outstanding issues in order to complete this process within financial and time constraints. Thank you for the opportunity to comment.

Sincerely,

David W. Pedersen, P.E.
General Manager

cc: Metropolitan Water District of Southern California

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