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September 2, 2010

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Delta Stewardship Council
650 Capitol Mall
Sacramento, CA 95814

Dear Chairman Isenberg and Council Members:

Since the Bay Delta Conservation Plan (BDCP) and Delta Plan could be closely linked, it is important that the Delta Stewardship Council have a clear understanding of the current status of the BDCP. At the Delta Stewardship Council meeting August 26th Chairman Isenberg requested that its consultant, ARCADIS compile a list of BDCP issues that have yet to be resolved.

Contra Costa Water District (CCWD) is providing the Council with the attached a list of issues that CCWD believes will assist the Council in its review of the outstanding issues. CCWD is a member agency of the BDCP Steering Committee, and is generally familiar with its processes, although CCWD and some other Steering Committee members were not informed in advance of the recent process that has apparently been set up to attempt to resolve these and other issues outside the Steering Committee.

CCWD would like to call attention to two very important and substantive issues that must be resolved. First, the schedule suggests that the draft BDCP is going to be released prior to the environmental documents and the implementation plan; this appears to be contrary to the BDCP Planning Agreement that was signed by all the Steering Committee and is certainly contrary to common sense, since the environmental documents reveal the impacts of the plan to third parties. Such a schedule prevents any ability to properly and thoroughly review the draft BDCP. It is not clear how anyone can provide adequate review of a draft BDCP without knowing the impacts it will cause or what the mitigation will be for those impacts. Second, the BDCP has not in any way addressed the impacts that are apparent in the results revealed so far, nor has the effects analysis been revealed in detail. Consequently, there has been little or no discussion of how those impacts will be mitigated. If the BDCP is to be a successful process, both of these issues must be resolved in the short term, and with, not after, the resolution of the other issues.

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Please call me at (925) 688-8100 or Maureen Martin at (925) 688-8323 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Gartrell". The signature is fluid and cursive, with the first name "Greg" being more prominent than the last name "Gartrell".

Greg Gartrell
Assistant General Manager

GG/MM:wec

Attachment

cc: Delta Stewardship Council

List of BDCP Issues Yet to Be Resolved
8/30/2010

EIR/EIS

1. Purpose and Need Statement: Should a new version be published?
2. Public Review and Comment: The draft BDCP and draft EIR/EIS should be released for public comment concurrently. The BDCP Planning Agreement requires it be concurrent, but that requirement is now in question because it conflicts with the current schedule.
3. Initial information indicates the proposed operations will reduce, not increase flows for fisheries, increase salinity in the Delta, and increase impacts of wastewater and drainage from the San Joaquin River and south and central Delta. These will increase stressors (toxics, clams) and affect third parties. What are the mitigation measures to address impacts to third parties and how do they affect the plan as a whole?

Cost & Funding

1. Are there any costs that the beneficiaries will not be responsible for? If so, how are costs allocated between regulatory beneficiaries, other entities and the public at large; how is funding allocated among beneficiaries; how is funding allocated between the state and federal government or other entities?
2. If the public or other entities are expected to contribute, how is that contribution guaranteed? What happens if they don't pay? (An HCP requires a guaranteed funding source)

Covered Activities/Conservation Measures

1. Covered Activities
 - a. What is the size and configuration of water facilities needed to implement water operations conservation measures and meet water reliability needs?
 - b. Is new conveyance a covered activity or a conservation measure?
2. Near-term water operations
 - a. What are the near-term water operations (under existing infrastructure) conservation measures?
 - b. What will the range be that defines real-time component of operations?
 - c. What is the adaptive management range for water operations?
 - d. What would be the process that would allow for changes in water operations?
 - e. What are near-term water supply goals?
 - f. What are near-term goals for fisheries?

3. Long-term water operations
 - a. What are the long-term water operations (with new conveyance facilities) conservation measures?
 - b. What will the range be that defines the real-time component of operations?
 - c. What is the adaptive range for long-term water operations?
 - d. What are long-term water supply goals?
 - e. What are long-term goals for fisheries?
4. Habitat Restoration
 - a. What adjustments should be made to the habitat restoration targets?
 - b. How does habitat restoration change if fishery goals are met early or not met?
5. Other Stressors
 - a. What are the “other stressor” actions to be added to conservation measures?
6. Impacts of the Plan on others
 - a. How are impacts like water quality degradation to be dealt with (preliminary studies show water quality degradation in the western Delta and south Delta at times, this impacts fisheries, enhances habitat for *Corbula* (a stressor) and affects third parties)?