

SOUTH DELTA WATER AGENCY

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Delta Stewardship Council
980 9th Street, Ste. 1500
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Re: SFCWA Comments to Arcadis Report

Dear Chairman Isenberg and Council Members:

I would like to address one of the issues/points raised in the comments included with State & Federal Contractors' recent undated letter to you regarding the Arcadis Report. Specifically, the Contractors' response to the fourth Arcadis quote on page 4.

The Arcadis quote is "**BDCP does not appear to include evaluation of exports alternatives that will reduce exports. Can BDCP achieve its purpose if it includes evaluation of a reduced exports alternative?**" The Contractors' response is that BDCP "is not designed to reduce exports." The Contractors go on to state that exports "have been significantly reduced over the last decade . . ." and that they seek to recover "exports lost over the last decade."

This I think perfectly sums up the problems with the BDCP process; it seeks to do something that simply cannot work. One cannot have full contractors supplies given the yield of the system. We have not even determined how much water can be exported while still preserving the environment and superior water rights.

First with regard to hydrology, included herewith is a chart from the Weber Foundation produced around the time the State Water Project was being authorized. As you can see from this chart, during a repetition of the 1928-34 drought, the Sacramento and San Joaquin River systems produce approximately 17.6 MAF of water. During this same period, the in-basin needs (not including exports) are approximately 25.6 MAF. Thus, *the system is short approximately 8 MAF each year during such a drought.* Depending on any particular combination of water year

types, we see that exports can be from zero to perhaps some amount approaching full contract deliveries. A cursory update on the estimations of the drought shortages indicates that the drought shortage of 8 MAF may be an understatement

To partially address this huge shortage, the SWP originally sought to add 5 MAF of water from north coast rivers to the Sacramento system. None of that 5 MAF was or (apparently) ever will be added. Hence, a significant amount of the anticipated supply is simply not available today. If 5 MAF of supply is not available, how can exports seek full contract deliveries? What is the source of the missing 5 MAF? Discussion of this issue never seems to occur; certainly not at BDCP.

For BDCP to seek full contract deliveries is to ignore hydrology. Although there may be operational methods to minimize the shortages (increased pumping in wetter times) that can in no way change the hydrological fact that in some years there is little or no water for export.

Second, the Contractors' assert that they have "lost" exports over the last decade. Such a statement is disingenuous at best. Also included herewith is a chart from the Delta Vision Blue Ribbon Task Force's "A Vision for California's Delta" Second Draft. As can be clearly seen, exports have risen steadily over the past decades, peaking during the CalFed years. Recent decreases from these peak numbers are due to two factors. We have experienced a number of dry and critically dry water years, thus diminishing the available supply. Rationally, exports should have gone down.

More importantly, exports during the last decade have been curtailed by environmental concerns and drastic fishery declines. The failure of regulatory agencies to protect the environment is clearly the cause. The SWP never applied for and has never had a "take" permit under California ESA. Consider that for a moment. Further, the federal "take" authorizations (Biological Opinions's) were found by the courts to be wholly inadequate, and interim, emergency export limitations were imposed. This is all the same side of the coin. When there isn't enough water for desired exports but record levels of exports occur anyway, the fisheries predictably crash. When the Contractors state they seek to "recover" lost exports, they are saying they should be able to take the water even though it is harmful to the fisheries. When they state they want to get full contract supplies *they are saying they will take it no matter whose water it is or who it will hurt*. It's a zero sum game.

This is not just idle speculation or unsupported criticism. In the winter of 2009, the outflow objective became 11,400 cfs. Immediately before the objective went into effect, exports were 2,000 cfs. The Contractors increased exports to 4,000 cfs making the actual outflow approximately 7,000 cfs. [This was the subject of a short hearing before the SWRCB.] This shows that when exporters need water (such as in a drought) *they simply take some else's water*

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to satisfy their needs; just as they did in this example in 2009 when they took about 1/3 of the minimum fishery flow.

The Arcadis Report hit the nail on the head in many areas, most importantly noting that BDCP simply refuses to acknowledge reality and blunders forward to seize an amount of water desired. From an interested parties perspective, it is amazing to watch as the State and other parties spend such huge amounts of money and time to once again re-divide an insufficient pie in a manner which conflicts with State water right priority laws, and State and Federal environmental laws. I sincerely hope that the Stewardship Council gives the proper scrutiny to the horrible morass which is the BDCP process.

Please feel free to contact me if you have any questions.

Very truly yours,

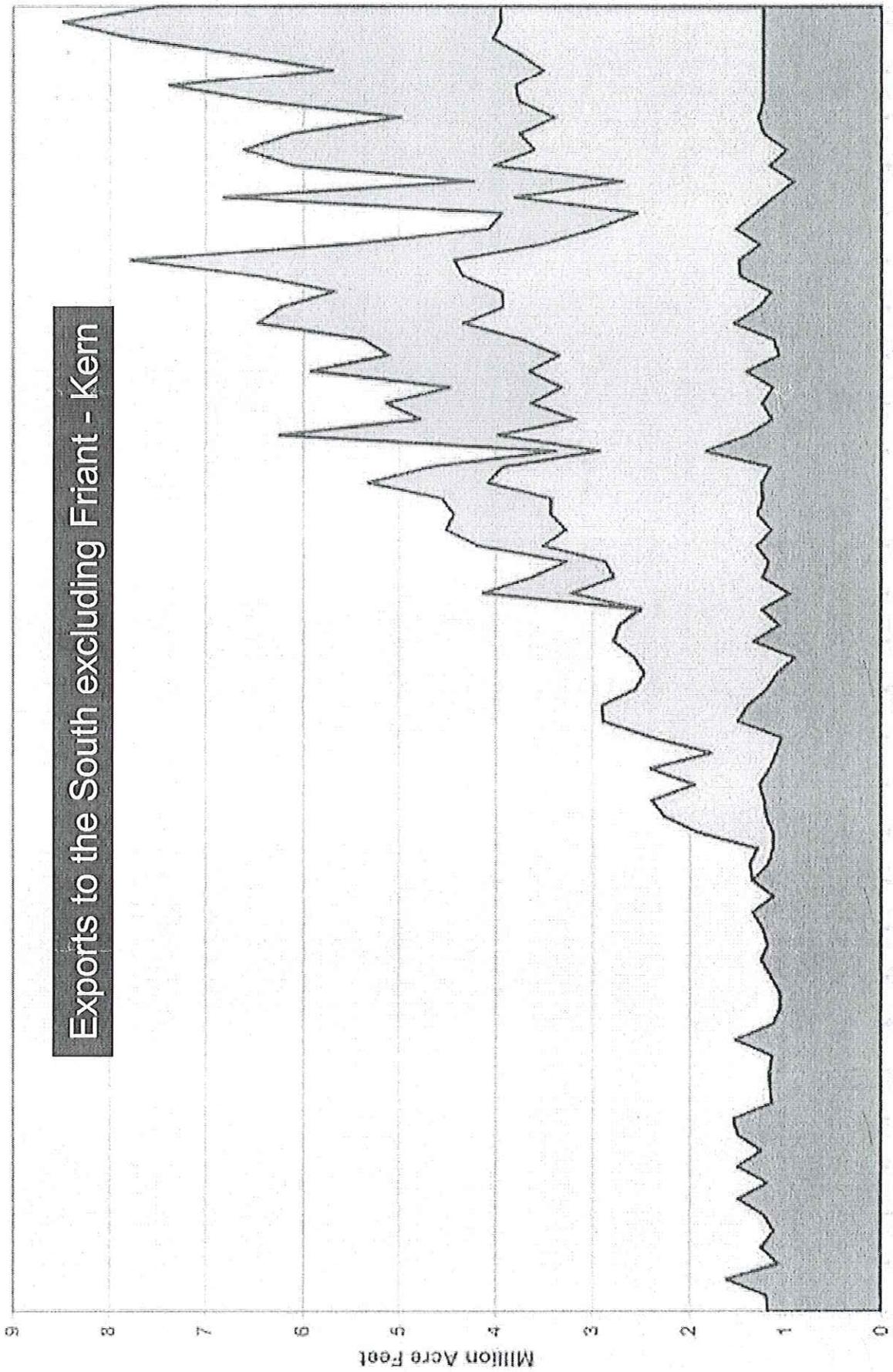


JOHN HERRICK

Enclosures

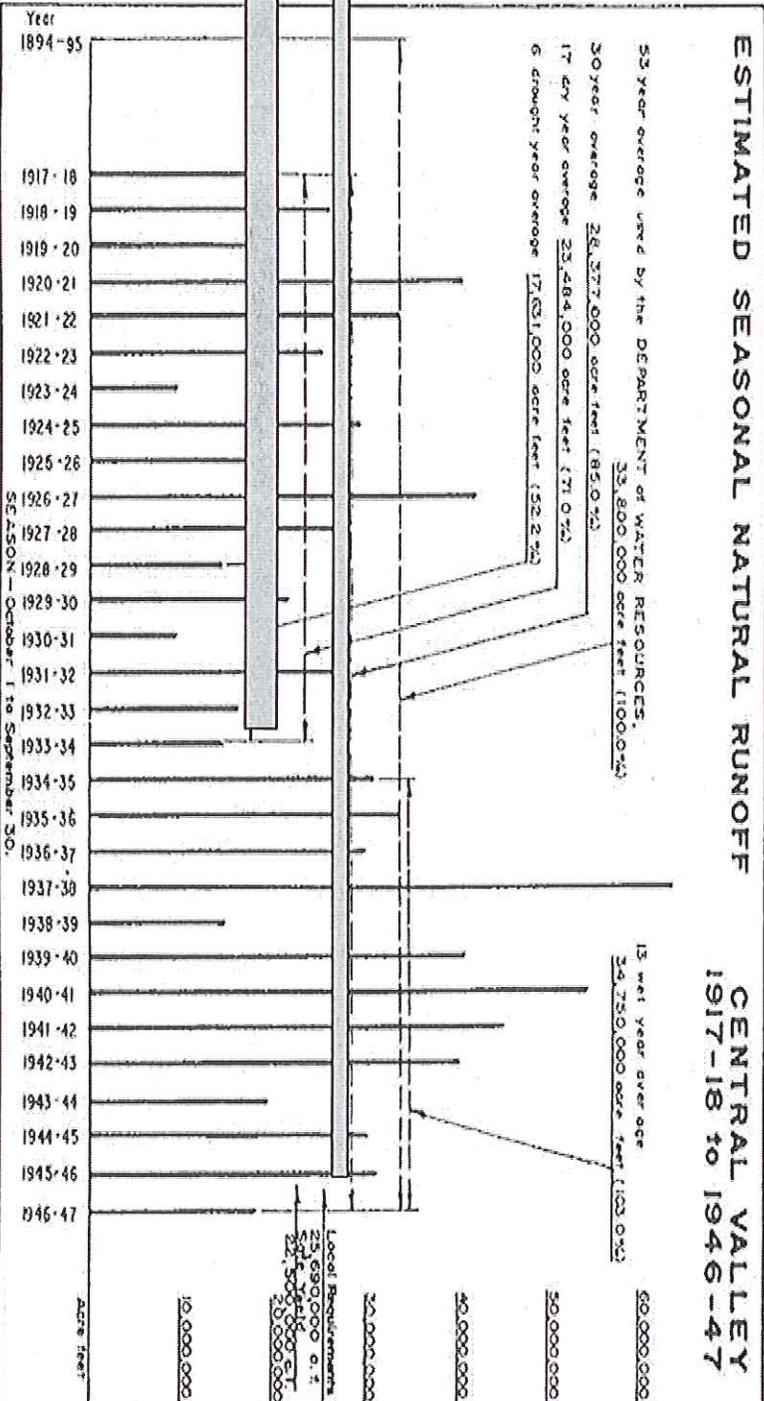
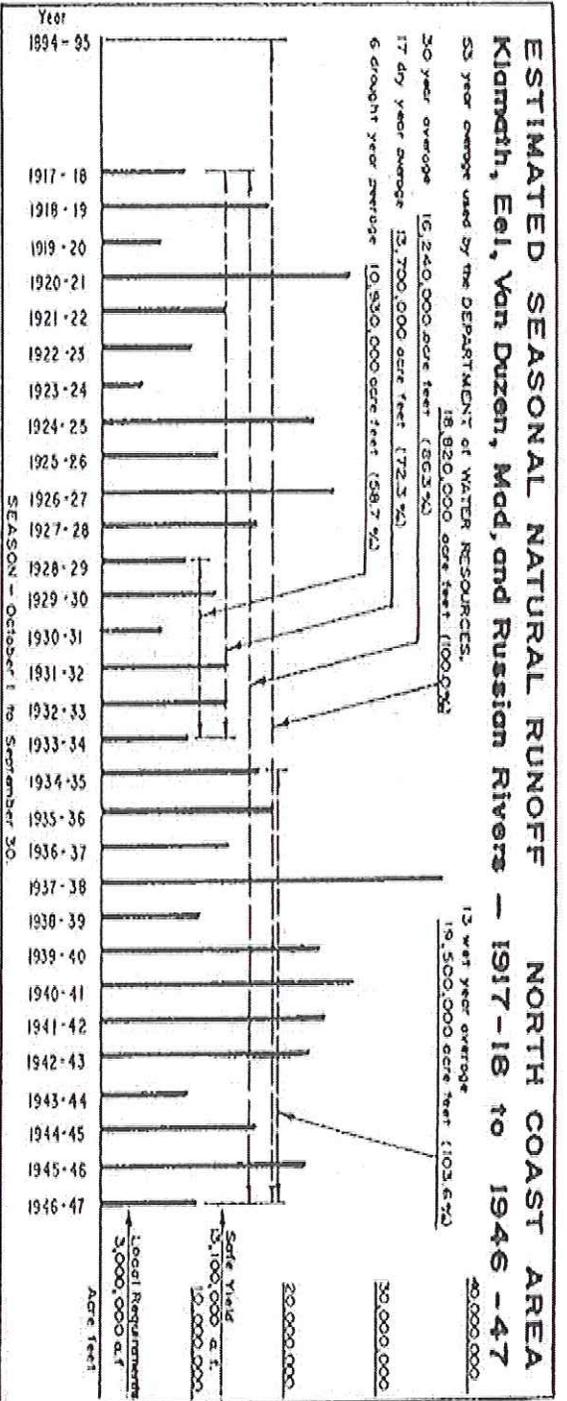
Figure 6

■ In-Delta Diversions □ Tracy Exports □ Banks Exports



1923 1926 1929 1932 1935 1936 1941 1944 1947 1950 1953 1956 1959 1962 1965 1966 1968 1971 1974 1977 1980 1983 1986 1988 1992 1995 1996 2001 2004

Drought shortage of
8 Million Acre-feet



Local needs during
drought of 25.6 MAF
17.6 MAF runoff
in drought 11.1