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Board Policy: EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.
Chief Executive Officer Bulletin
Week of November 23 - 29, 2018

Board Executive Limitation Policy EL-7:
The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

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Supporting the District’s Needs with a 3-Year IT Strategic Plan

The Information Technology Division (ITD) is in the process of developing a 3-Year IT Strategic Plan to better meet the District’s needs. With extensive engagement of staff throughout the District, ITD completed Phase 1 to define the Strategic Direction. Key outputs include:

1. IT Vision: People, Process, and Technology work seamlessly together to serve our community.
2. IT Purpose/Mission: Through partnership, innovation, and operational excellence, ITD delivers effective technology solutions to support Districtwide operations.

Priority Areas of focus for the next three (3) years:

- Data and analytics
- Modernization – systems, tools, and processes
- Partnerships and districtwide alignment
- ITD Performance

Phase 2, which defines the Technical Strategy (Future State IT, projects, roadmaps, and success metrics to achieve the strategic direction), is in progress. Phase 2 is guided by a 12-member committee comprised of IT and business staff. The Phase 2 consultant, Excergy, interviewed the Executive Management Team and held collaborative design workshops with several dozen staff in mid-November 2018. In addition to providing details for the strategy and roadmap, these workshops have enabled the district to identify some immediate opportunities for collaboration.
and improvement.

The Draft Strategic Plan is expected mid to late December 2018 and the final plan is expected at the end of January 2019. Presentations to the Executive Management Team, Management Leadership Team and Board are expected in February 2019.

For further information, please contact Tina Yoke at (408) 630-2385.

---------------------------------------------------------------

Emergency Shutdown of Penitencia Treatment Plant

Around 7:00 PM on Wednesday, November 21, 2018, the Penitencia Water Treatment Plant (PWTP) experienced an outage resulting in loss of power to the monitoring and control screens of the facility. Out of abundance of caution, the district redirected supply to the East Pipeline through the Santa Teresa Facility and shutdown the PWTP to troubleshoot and fix the issues. The district identified the issue to be a defective Uninterruptible Power Supply (UPS) and was able to replace it and bring back the facilities on line by 1:45 am on November 22, 2018.

The UPS systems at the PWTP are due to be replaced and the district will be replacing them in the coming months, as well evaluating options for boosting the reliability of the back-up power systems. The district would like to acknowledge staff’s hard work and dedication to bring PWTP back on-line by working late hours into the early morning of the Thanksgiving holiday.

For further information, please contact Bhavani Yerrapotu at (408) 630-2735 or Aaron Baker at (408) 630-2135.

---------------------------------------------------------------

Update on City of Palo Alto Council Meeting held on November 19, 2018.

At the November 19, 2018, City of Palo Alto (Palo Alto) Council meeting, Staff from Palo Alto, City of Mountain View (Mountain View), and district presented information regarding recycled water expansion and other water reuse opportunities in Palo Alto; including an update on discussions regarding a Comprehensive Agreement between Palo Alto and the District. Palo Alto Council (Council) stated their interest in Direct Potable Reuse (DPR) over Indirect Potable Reuse (IPR) or continued expansion of Non-Potable Reuse (NPR) in the Palo Alto service area. Mountain View, in turn, reaffirmed their interest in the construction of a local one (1) to two (2) million gallons per day (MGD) Advance Water Purification Facility (AWPF) at the Regional Water Quality Control Plant (RWQCP) in order to expand NPR in Mountain View.

Regarding a partnership for the larger regional AWPF, the Council prefers building a regional facility in Palo Alto and agreed that a 40-year term for a Comprehensive Agreement was too long. The Council also voiced some concern over the proposed compensation from the district for providing nine (9) MGD of treated effluent. They asked the district to evaluate escalation factors other than the Consumer Price Index for unit pricing of treated effluent transferred to a future district regional AWPF. These topics will be discussed at the December 4, 2018, Joint Recycled Water Committee meeting with Palo Alto.

For further information, please contact Garth Hall at (408) 630-2750.
Youth Commission Survey

In order to better engage and serve the Youth Commissioners, the district, in early November, polled members of the Commission to gain better insight on how the district can best support the Youth Commission. 15 of the 19 members of the Youth Commission responded to the survey (a 79% response rate).

The survey sought answers to questions regarding:

- the direction the Commissioners wanted the Youth Commission to go;
- the manner in which the current Commission was, or was not, working for them and what they would do differently;
- the benefits the commissioners expected from their involvement in the Commission;
- the contributions they hoped to make to their communities by virtue of their membership on the Commission;
- how the commissioners would work within the Commission; and
- what would be the best methods to engage their schoolmates in water-related activities.

The survey identified three (3) top priorities for the commissioners:
1. Educating the public on water issues (93%)
2. Community projects (87%)
3. Making recommendations to the district board on water policy (60%)

In terms of personal expectations from those serving on the Commission, *connections* were the top choice at 93%; *experiences* were next at 86%, and *knowledge* followed at 64%.

14 out of the 15 respondents indicated interest in working on a work group within the commission.

In terms or areas of improvements, respondents asked for:

- more bonding opportunities;
- more clarity and decisiveness on topics that are going to be focused on;
- more interesting meetings;
- more meetings;
- relaxing a few procedures so as to minimize stiffness during meetings;
- incorporating more hands-on activities;
- the use of online platforms, like Poll Everywhere, to allow shy members to participate in meetings;
- varied food choices such as better gluten free options; and
- varying meetings locations and asking for meetings closer to Sunnyvale

The survey results will be formally presented to the Youth Commission at its regular meeting on November 28, 2018, so that the Commissioners can determine which options the district will assist with implementing.

For further information, please contact Rick Callender at (408) 630-2017.
BOARD MEMBER REQUESTS
& INFORMATIONAL ITEMS
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<th>Request Date</th>
<th>Director</th>
<th>BAO/Chief</th>
<th>Staff</th>
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<th>20 Days Due Date</th>
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<tr>
<td>I-18-0015</td>
<td>10/02/18</td>
<td>Santos</td>
<td>Yoke</td>
<td>Donatelli</td>
<td>Staff is to provide Director Santos with information on why the District does not offer preference for Veteran applicants seeking employment/promotion, and provide research from comparable agencies.</td>
<td>11/05/18</td>
<td>12/28/2018</td>
<td>10/25/18 CEO Bulletin: The district is working to respond to the IBMR by conducting internal stakeholder conversations, investigating industry best practices and researching comparable agency policies. To account for varied response times from comparable agencies and in-depth research, the district is requesting a two (2) month extension to December 28, 2018, to fully respond to the request.</td>
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<tr>
<td>R-18-0017</td>
<td>11/20/18</td>
<td>Varela</td>
<td>Hawk</td>
<td>Hall</td>
<td>Staff is to schedule an update on CA WaterFix for second meeting in January 2019.</td>
<td>12/16/18</td>
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TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: November 27, 2018

The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with an individual that filed a claim against the District.

Please find the following attachment:

1) November 20, 2018 claim confirmation letter to Surjeet Singh (District 1)
2) November 27, 2018 claim confirmation letter to Moon and Kwang Kim (District 7)

For additional information, please contact me at 408-630-2213.

David Cahen
Risk Manager
November 20, 2018

Surjeet Singh
1125 Violet Way
Gilroy, CA 95020

Regarding: Receipt of Claim – L1890010

Dear Mr. Singh,

We received your claim regarding the damages to your vehicle.

We will investigate the claim and notify you of our findings.

If you have any questions, please don’t hesitate to contact me at (408) 630-2652.

Sincerely,

Lilian Dennis
Management Analyst II
Risk Management
ldennis@valleywater.org
November 27, 2018

Moon and Kwang Kim
1047 Mountain View Ave.
Mountain View, CA 94040

Regarding: Receipt of Claim – L1890011

Dear Mr. and Mrs. Kim,

We received your claim regarding the damages to your property located at 1047 Mountain View Avenue in Mountain View.

We will investigate the claim and notify you of our findings.

If you have any questions, please don’t hesitate to contact me at (408) 630-2652.

Sincerely,

Lilian Dennis
Management Analyst II
Risk Management
ldennis@valleywater.org

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.
TO: Board of Directors
FROM: Nina Hawk
SUBJECT: Update on Delta Stewardship Council Determination on California WaterFix Consistency
DATE: November 30, 2018

On November 15-16, the Delta Stewardship Council (Council) held a public workshop on the Council staff draft findings on whether the California WaterFix is consistent with the Delta Plan. During the workshop, Council staff recommended that the Council conclude there is insufficient evidence in the record to support the Department of Water Resources’ (DWR) determination that the California WaterFix is consistent with the Delta Plan in the following areas: reduced reliance on the Delta, use of the Best Available Science, Delta flow objectives, and land use and siting considerations. Council staff recommends that the Council remand the issue to DWR for reconsideration.

At the workshop, Council staff presented their findings followed by presentations and comments from DWR, each of the nine appellants, and the Delta Protection Commission. Although no action was taken by the Council during the workshop, prior to public comment, Chair Randy Fiorini recommended that DWR withdraw its certification so they could resume early consultation. Agreeing with several appellants, he stated that DWR filed its certification of consistency prematurely. Council member Frank Damrell Jr. concurred with the Chair Fiorini’s recommendation. Three of the 7 Council members have recused themselves due to financial conflicts of interest, leaving only 4 members to adjudicate the 9 appeals of the DWR certification.

The meeting closed with public comments, including comments from Director Kremen who spoke in support of the DWR determination that the California WaterFix is consistent with the Delta Plan. On October 15, the District submitted written comments urging the Council to affirm the DWR certification of consistency with the Delta Plan and underscoring the District’s significant investments in reducing reliance on the Delta. (Attachment 1).

In a letter sent on November 15, prior to the workshop, California Natural Resources Secretary John Laird said that the Council staff's draft findings "demand a standard for substantial evidence that no conveyance project could ever meet" (Attachment 2). The general manager of the State Water Contractors, Jennifer Pierre, also sent a letter on November 15, which refutes Council staff's findings related to reduced Delta reliance, Best Available Science, Water Quality Control Plan Flow Criteria, and Delta Land Use Impacts (Attachment 3).

A final determination is expected at the Council’s December 20-21 public meeting.

Attachment 1: SCVWD Comments on Consistency Determination 10-15-2018
Attachment 2: CA Natural Resources Agency Letter on WaterFix Certification of Consistency 11-15-2018
Attachment 3: State Water Contractors Letter on WaterFix Certification of Consistency 11-15-2018

Nina Hawk
Chief Operating Officer
Water Utility Enterprise
October 15, 2018

Delta Stewardship Council  
980 Ninth Street, 15th Floor  
Sacramento, CA 95814  

Subject: WaterFix C20185: Comments on the Department of Water Resources Certification of Consistency with the Delta Plan for the California WaterFix

The Santa Clara Valley Water District (District) appreciates the opportunity to submit comments in support of the Department of Water Resources certification of consistency for the California WaterFix (WaterFix). The District manages groundwater, supplies wholesale water, provides flood protection, and serves as environmental steward for clean, safe creeks and healthy ecosystems for Santa Clara County’s 1.9 million residents and the vital high-tech economy known as “Silicon Valley.”

As a water supplier as well as an environmental steward, the District has been an avid supporter of the Delta Plan’s coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The District also supports the state policy to reduce reliance on the Delta.

The policy of the State of California is to reduce reliance on the Delta in meeting California’s future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts. (Water Code section 85021)

The following comments explain how the District is complying with state policy to reduce reliance on the Delta, the District’s interest in the WaterFix, and how the WaterFix is consistent with the Delta Plan’s coequal goals.

The District was formed in 1929 to address groundwater overdraft and land subsidence in San Jose and adjacent cities, serious conditions that were successfully resolved by the importation of water from the federal Central Valley Project (CVP) and State Water Project (SWP). Today, an average of about 40 percent of Santa Clara County’s water supplies are conveyed through the Delta by these projects. These supplies are a critical component of the District’s water supply portfolio, providing over 90 percent of the water supply to the District’s three drinking water treatment plants. This imported water also supplements the recharging of the county’s...
local groundwater basins to ensure sustainable supplies, while also protecting local surface water and groundwater reserves.

The District has made great strides in reducing its reliance on the Delta to meet future water supply needs. Since the 1970s, the District has worked with local wastewater producers to expand recycled water use. Currently, about 5 percent of the county's supply is recycled water and the District has a target for recycled water to comprise 10 percent of the county's supply by 2025. Since the early 1990s, the District has implemented an aggressive water conservation/water use efficiency program, achieving 73,000 acre-feet of water savings in 2017 compared to the base year of 1992. These water conservation savings were equivalent to about 25 percent of total water use in the county in 2017. We estimate that we have invested more than $300 million in water conservation/water use efficiency and supply diversification projects in the past 25 years. This is in addition to significant investments by the water retailers within Santa Clara County.

Through our water supply planning efforts, the District continues to investigate water supply projects that provide for regional reliability and less reliance on the Delta. As part of the update to the District's Water Supply Master Plan, the District Board has approved planning for WaterFix, up to 24,000 acre-feet per year of potable reuse, and a "No Regrets" package of water conservation and stormwater projects. The capital cost of these investments is estimated to be over $1 billion. The District is also exploring, along with local partners, local and regional storage projects, a regional conveyance project, and a regional water marketing program. Lastly, the District is leading development of the Santa Clara Valley Storm Water Resources Plan, consistent with state requirements, for northern Santa Clara County.

While these investments will reduce the District's reliance on Delta-conveyed water from about 40 percent to 30 to 35 percent, the District will remain dependent on water conveyed through the Delta. It is imperative that these supplies remain reliable.

The WaterFix is a critical upgrade to aging and vulnerable water delivery infrastructure that is consistent with achieving the Delta Plan's coequal goals. The addition of proposed WaterFix intakes in the north Delta would allow the SWP and CVP to adjust operations in response to environmental conditions and climate change effects, protect exports from the threat of salinity intrusion from levee failures and sea level rise, improve flow patterns in the Delta, and reduce fish entrainment. As the Delta Plan recognizes, "Conveyance improvements in the Delta are needed so that water supplies can be safely moved when they are available and conflicts between water supply deliveries and species protection can be avoided" (Delta Plan as Amended in 2018 at 99).

State modeling indicates that, if no action is taken to improve the existing Delta conveyance approach, the District's SWP and CVP deliveries could drop by about 36,000 acre-feet per year due to anticipated additional regulatory constraints to protect threatened and endangered fish within the Delta. With the WaterFix, this decline can be avoided by enhancing operational flexibility to allow diversion of water at times and from locations that are less harmful to fisheries. We estimate that total deliveries to Santa Clara County with the WaterFix would remain similar to current average levels.

It is paramount that the District maintain a diverse water supply portfolio to provide both resiliency and reliability for Santa Clara County. The District's investment in the WaterFix will be
accompanied by continued investment in local supplies and advancement of regional self-reliance.

The District urges the Council to make a determination of consistency, allowing this important project to move forward without further delay. Continuing to rely solely on existing through-Delta conveyance for the water supplies for the 1.9 million people in Santa Clara County and the economy of Silicon Valley, as well as for the 25 million people statewide and the state’s economy is not acceptable because of the instability of existing Delta levees, underlying seismic risks, increasing threats of altered hydrology and sea level rise due to climate change, and ongoing regulatory uncertainty and concerns over the environmental health of the Delta.

Sincerely,

Norma J. Camacho
Chief Executive Officer

Via E-Mail: waterfixcert@deltacouncil.ca.gov
cc: Mr. David Murillo, Bureau of Reclamation
    Ms. Karla Nemeth, Department of Water Resources
    Ms. Jennifer Pierre, State Water Contractors
    Board of Directors (7), N. Hawk, G. Hall
November 15, 2018

John Laird
Secretary for Natural Resources
1416 Ninth Street, Suite 1311, Sacramento, CA 95814

RE: California WaterFix Certification of Consistency

Dear Chair Fiorini,

The 2009 legislative package that included the Delta Reform Act was the most comprehensive effort by state leaders in a half-century to protect the Delta and reform overall California water policy. The Act enshrined in state law the "coequal" goals of "providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem."

Legislators who worked on the bill and supported its passage understood the need for long-term conveyance improvements in the Delta. The legislation established the Delta Stewardship Council as a governance structure to act as a check to ensure conveyance improvements would be implemented in a way that furthers the coequal goals and respects the Delta's unique cultural, recreational, natural resource and agricultural values.

It's disappointing that the November 8 draft determinations prepared by Council staff fail to acknowledge the Legislature's intended vision for addressing long-term conveyance improvements under the Delta Reform Act.

In fact, the draft determinations appear to demand a standard for substantial evidence that no conveyance project could ever meet – even one that has been subject to 12 years of analysis, study, negotiation, public engagement and collaboration.

The Legislature made it clear that improving the state's water supply reliability is equally as important as protecting and restoring the Delta ecosystem. The WaterFix project is designed to do both. Draft determinations that dismiss water supply reliability undermine the Legislature’s intent and abrogate the Act's coequal goals. I respectfully urge the Council to preserve the spirit of the Delta Reform Act and base its decision on the project's consistency with that intent.

Sincerely,

[Signature]
John Laird
Secretary for Natural Resources
November 15, 2018

Delivered via email: Randall.Fiorini@deltacouncil.ca.gov

Mr. Randy Fiorini  
Chair, Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Dear Chair Fiorini:

The State Water Contractors disagree with the Delta Stewardship Council staff Determination Regarding Appeals of the Certification of Consistency by the California Department of Water Resources (DWR) for California WaterFix (Draft Determination) suggesting that the California WaterFix project be remanded to DWR for further, unspecified changes. California WaterFix is a critical infrastructure project for California’s water supply reliability and one of the most exhaustively examined infrastructure projects in state history, given tens of thousands of pages of analysis and more than a million hours of dedicated staff time to advance this Delta infrastructure modernization process. We believe that the staff Draft Determination proposes new unspecified changes that are counter-productive to advancing the coequal goals and improving California’s water supply reliability, which impact our economy and are not supported by evidence in the record. Furthermore, as outlined below, we believe DWR certification of consistency was supported by substantial evidence and should be upheld.

Reduced Delta Reliance: Council staff states that if water suppliers have not included the information in their 2015 UWMPs and AWMPs in the format set forth in WR P1(c)(1)(A)-(C), then DWR has not provided substantial evidence of consistency with WR P1. (Draft Determination pp. 52:37 – 53:15.) Staff states that this result is required by the plain language of WR P1 and a portion of Appendix G to the Delta Plan. However, the interpretation and application is flawed in two respects: the plain language of WR P1 does not impose that requirement, and Appendix G is guidance, and it would be unlawful for the Council to impose it as an underground regulation on California WaterFix.

Furthermore, DWR’s record has provided thousands of pages of water planning evidence that supports DWR’s certification that water suppliers that will receive water supply reliability benefits of the California WaterFix are improving their self-reliance, and the separate determination that the need for California WaterFix was not significantly caused by any alleged failure to reduce reliance, but by factors recognized prior to passage of, as well as noted within, the Delta Reform Act itself. These include diminishing reliability of Delta exports due to more restrictive regulations to address declining fish populations, threats to Delta levees, and climate change. The Council should direct staff to rely on the substantial evidence in the administrative record that supports DWR’s certification of consistency with WR P1 and deny the appeals on that basis.

Attachment 3, Page 1 of 3
Sea Level Rise: The proposed California WaterFix intake facilities were deliberately designed and located to adapt to conservative long-term projected sea-levels, and for purposes of evaluating operations, DWR used the mid-range climate change in the Delta and sea level rise assumptions through 2060. Council staff asserts that California WaterFix failed to rely on best available science because DWR should have used modeling projected for 2100.

Staff have misapplied the policy guidance provided in the reports it cites. Those reports suggest that policy makers design physical components of projects on the coast with a long-term useful life to withstand the highest sea level rise scenarios projected for 2100 based on recommendations for risk tolerance in infrastructure design by other agencies. California WaterFix is designed to withstand a 200-year flood event conservatively assuming sea level rise of 55 inches—nearly five feet—at Golden Gate Bridge, which is on the higher end of climate change and sea level rise assumptions. Rising sea levels only reinforce the need for California WaterFix and further analysis would only prove a point DWR has already made. Moreover, it is not within the Council’s authority under the Delta Reform Act or the Best Available Science policy to substitute another agency’s risk tolerance for DWR’s. As noted by the NOAA and OPC reports cited in the Draft Determination, that is a policy decision, not scientific information.

Water Quality Control Plan Flow Criteria. Council staff’s preliminary determination that there is no substantial evidence in the administrative record to support California WaterFix’s consistency with applicable Delta flow criteria is also erroneous. The administrative record fully supports DWR’s certification that the project can and will be operated to meet all applicable flow criteria, including the Export/Inflow ratio (E/I ratio) and the Contra Costa chloride standards. Although DWR has proposed to modify the definition of “inflow” to account for the new north-Delta intakes, DWR’s definition is more conservative than the current ratio, meaning it is more protective against entrainment in the south Delta than would be the case if the current definition and ratio were applied. Thus, there is substantial evidence that California WaterFix is consistent with the current E/I ratio. Additionally, the record shows that California WaterFix and the No Action Alternative perform the same to meet the Contra Costa chloride daily 250 mg/L standard. Where there are modeled exceedances (5% of the 16-year modeled simulation), modeling experts have indicated that these are likely due to model limitations. As the record describes, DWR and USBR operators provided expert testimony that they can meet all of the D-1641 standards. The Council should direct staff to rectify this and other errors in the staff’s Draft Determination regarding consistency with the flow criteria policy, and deny the appeals based on alleged inconsistency.

Delta Land Use Impacts. Council staff suggests that the administrative record lacks substantial evidence that California WaterFix has mitigated alleged impacts to Delta parks, recreation, and cultural and historic resources “to the extent feasible.” But the policy at issue, DP P2, does not impose a mitigation standard. Rather, it requires agencies proposing water infrastructure projects to “site” the project, when feasible, to avoid or lessen conflicts with existing or planned local land uses. The Final EIR/EIS studied 18 project alternatives with various alignments and surface canals versus tunnels, as well as the No Action Alternative. DWR explained in the CEQA Findings of Fact and Statement of Overriding Considerations, based on substantial evidence, why California WaterFix is the only feasible alternative. In addition, DWR has documented how the siting and
design of California WaterFix and its predecessor alternative have been refined over time to avoid or lessen conflicts with Delta land uses. Moreover, staff does not specify what additional actions are necessary to comply with its asserted understanding of the policy as requiring all feasible mitigation, creating what is essentially a bureaucratic guessing game were the Council to remand the certification on these grounds. It should be noted that tunneling compared to construction of a canal is a major component of the project that has avoided and mitigated many potential effects, and has resulted in a substantial increase in cost of the project. This is just one of the several project revisions specifically made to avoid and reduce conflicts with Delta land uses.

The regulatory burdens and uncertainties surrounding the staff Draft Determination have deeply troubling implications for any project proposal to advance the coequal goals and address the unacceptable status quo in the Delta, and for the Stewardship Council itself and its role in promoting improved Delta water conveyance infrastructure, reliable water supplies for the state, and a restored Delta ecosystem. The Council should refocus on DWR’s substantial evidence that supports DWR’s certification of consistency for California WaterFix and direct staff to revise the Draft Determination accordingly.

Sincerely,

Jennifer Pierre
General Manager