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June 19, 2015

California Water Commission  
P.O. Box 942836  
Sacramento, CA 94236-0001

**Subject: Comments on Stakeholder Advisory Committee Materials**

Dear Commissioners,

Contra Costa Water District appreciates the opportunity to participate on the Stakeholder Advisory Committee and provide feedback. At the last Stakeholder Advisory Committee meeting on June 3<sup>rd</sup>, staff from the Department of Fish and Wildlife (DFW) and the State Water Resources Control Board (SWRCB) presented materials on wildlife and water quality priorities. In general, both DFW and SWRCB priorities were clear, easy to understand and provided insight as to their priorities as an agency. However, in order for the priorities identified by DFW and SWRCB to be incorporated into the Water Storage Investment Program (WSIP), the priorities must be consistent with Proposition 1 and achievable by the types of projects that are eligible for funding under Chapter 8.

**Attainable Goals**

Many of the priorities identified by both DFW and SWRCB would be difficult to achieve as a component of a storage project. For example, the public and ecosystem benefits of a groundwater storage project are clearly eligible for funding under Chapter 8 but it is difficult to see how a groundwater project could directly contribute to the achievement of the DFW priorities as the vast majority are focused on the protection of anadromous fish. A groundwater bank and some surface storage projects have little ability to manage habitat in the tributaries or to improve anadromous fish passage. A groundwater bank or off-stream surface storage project could change the timing and quantity of diversions and indirectly result in changes in river flows that meet the priorities identified by DFW and SWRCB. Additional consideration by the Commission, DFW, and SWRCB may be needed to determine how the wildlife and water quality priorities identified will be incorporated into the WSIP so as not to preclude other logical and attainable ecosystem and public benefits associated with storage projects.

**Priorities Eligible for Funding**

Similarly, some of the priorities listed by DFW and SWRCB may not be eligible for funding under Chapter 8. For example, both DFW and SWRCB include the removal of invasive aquatic weeds as a priority. While this activity would no doubt benefit the water quality and native wildlife, weed removal is typically considered an ongoing maintenance activity and is often not eligible for grant funding. Because these types of activities have not been eligible for grant funding in the past, effective management plans to deal with nuisance weeds and invasive species have not come to fruition and exacerbated the problem. The language in Chapter 8 does not specifically prohibit funding long term maintenance activities such as pest management, but additional

clarity is needed. It may be appropriate to consider funding some maintenance activities associated with a storage project that provide long term wildlife and water quality benefits to the Delta and its tributaries. The Commission should clarify how the priorities will be used and incorporated into the WSIP and what types of activities or project components are eligible for funding.

### **Wildlife Priorities for the Delta**

The DFW priorities do not include actions specific to the Delta. Proposition 1 states “[a] project shall not be funded pursuant to this chapter unless it provides measureable improvements to the Delta ecosystem or to the tributaries to the Delta” (§79752). The vast majority of the recommended DFW actions and priorities are focused on upstream tributary habitats for anadromous fish, neglecting priorities or actions based in the Delta. Of the 30 or so actions recommended by DFW, only one priority action was identified in the Delta. Three of the 11 priority species identified by DFW spend their entire lifecycle in the Delta (Delta smelt, Longfin smelt, Sacramento splittail) and yet there were no concrete priorities or actions identified for those species. DFW should broaden their priorities to cover species that live in the Delta. For example:

*“Prevent or reduce negative impact from ~~in-river~~-structures on special status species anadromous fishes*

- a. Remediate unscreened or poorly screened diversions that entrain fish.*
- b. Remediate existing barriers to improve fish passage.*
- c. ~~Construct new facilities and or re-operate existing facilities to reduce stranding and mortality of adult salmonids and sturgeons in floodways and bypasses.~~ special status species in the Delta and tributaries.”*

Broadening the recommended actions and priorities beyond anadromous fish in upstream habitats would ensure the DFW priorities are considered in a manner consistent with the language and intent of Chapter 8.

### **Water for Wildlife Refuges is an Ecosystem Benefit**

Water for wildlife refuges is currently categorized as benefit to recreation under the DFW priorities rather than a benefit to the ecosystem. While it is appropriate to consider recreational benefits as public benefits that may be eligible for funding, water for wildlife refuges should not be categorized as recreational benefit but rather as an ecosystem benefit. The handout provided by DFW stated that the number three priority is:

*“3) Enhance commercial and recreational opportunities through achieving one or more of the following: ... c. Increase wild life habitat on refuges or provide increase water supply to refuges.”*

Through the authorities granted in the Central Valley Project Improvement Act (CVPIA), nineteen refuges now provide critical managed wetland habitat for a host of water-dependent wildlife, including more than 100 bird species. As of 2013, four of the nineteen refuges still

California Water Commission

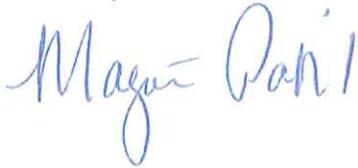
June 19, 2015

Page 3

lacked the adequate infrastructure necessary to convey all the water mandated by CVPIA. And there is still a long-term need to acquire some 159,000 acre-feet of permanent water supply to allow refuge staff to optimally manage their wildlife habitat each year. Water to refuges should be categorized as an ecosystem benefit not recreation. This distinction between recreational and ecosystem benefits is important given that Proposition 1 requires that “*ecosystem improvements provided by a funded project equal at least 50 percent of the total public benefits of the project funded (§79756 (b))*”. Categorizing water to wildlife refuges as a recreational benefit threatens to reduce the amount of funding available for projects that provide water to wildlife refuges and undervalues the ecosystem benefits of the wildlife refuges.

Your consideration of our comments is greatly appreciated. If you would like to discuss our comments or have any questions, please do not hesitate to call me at (925) 688-8018 or Maureen Martin at (925) 688-8323.

Sincerely,



Marguerite Patil  
Special Assistant to the General Manager

MP/MM/kh

cc: State Water Resources Control Board, California Department of Fish and Wildlife