



FREEPORT  
CLARKSBURG  
HOOD  
COURTLAND  
LOCKE  
WALNUT GROVE  
RYDE  
ISLETON  
RIO VISTA  
BETHEL ISLAND  
KNIGHTSEN

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November 17, 2020

Via email to [BoardofDirectors@zone7water.com](mailto:BoardofDirectors@zone7water.com)  
[publiccomment@zone7water.com](mailto:publiccomment@zone7water.com)

President Olivia Sanwong and Board of Directors  
Alameda County Flood Control and Water Conservation District, Zone 7  
100 North Canyons Parkway  
Livermore, Ca 94551

**Re: Comments on Agenda Item 9, “Continued Participation in the Delta Conveyance Project Process and Funding of the Environmental Planning Process”**

Dear President Sanwong and Directors,

Delta Legacy Communities, Inc. supports and advocates for the eleven Delta legacy communities from Freeport to Knightsen, recognized in the Delta Reform Act of 2009 (PRC 32301(f.)) Our Board includes a Director from each Delta legacy community.

Delta Legacy Communities, Inc. is writing this letter to object to the Alameda Zone 7 Board of Directors approving funds for planning and engineering design for the Delta tunnel boondoggle when the State Water Contractors have not dealt with the issues of liability for failing to adequately maintain Oroville dam. We write to urge the Alameda Zone 7 Board not to let the State Water Project become the next PG&E.

The Oroville dam cases are scheduled to go to trial in April 2021. The State Water Contractors have no plan on how to pay for any judgement. Jennifer Pierre, the General Manager for the State Water Contractors, stated in a declaration:

DWR has stated that it will seek to pass off any penalty assessed against it to Contractors. While the SWC does not agree that this penalty should be assessed against the

Contractors, I am not aware of a plan or proposal by DWR to pay the penalty using its other revenues. Regardless of if it is able to pass off the penalty to Contractors or not, it is questionable if it would be financially able to do so given the amount of penalties sought. This amount far exceeds the SWP budget regardless of the source of funding. It is therefore possible that, if DWR is required to pay the penalty, it might not be able to adequately operate, maintain, or repair the SWP, or it may need to defer maintenance of SWP facilities.

Under law, State Water Project water sales revenues are pledged first to operations, maintenance, repair, and rehabilitation of the existing State Water Project facilities. (Wat. Code § 12937(b).) Oroville is the tallest dam in the United States. San Luis is the largest offstream dam. The Department of Water Resources is also legally required to assess adequate rates to pay for reasonable costs of maintenance, repair, and rehabilitation of State Water Project facilities. (Wat. Code § 11455.)

Delta Legacy Communities, Inc., has filed to suit to ensure that all applicable laws are fully complied with, prior to issuance of any revenue bonds for new projects. We urge the Alameda Zone 7 Board to exercise proper fiscal responsibility, and not approve expenditures for new projects until the issues with funding for maintenance, repair, and rehabilitation of existing facilities are fully resolved.

Sincerely,

*/s/ Dan Whaley*

Dan Whaley, Chair  
Delta Legacy Communities, Inc.

*/s/ Dave Stirling*

Dave Stirling, Vice Chair  
Delta Legacy Communities, Inc.