COMMENT MATRIX

CITATIONS FROM COMMENTS RECEIVED BY THE DELTA STEWARDSHIP COUNCIL BETWEEN AUGUST 5, 2010 AND SEPTEMBER 14, 2010

The following matrices include direct citations from comments received by the Delta Stewardship Council (Council) between August 5, 2010 and September 14, 2010. The citations are directly from letters and emails, and were not corrected for misspellings or grammar. Many comments were excerpted due to the length of the comment. All of the letters and emails are located on the Council website. The comments were placed into eleven categories, as summarized below. Several comments occur in several categories. These comments do not include comments submitted to specific work groups.

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Matrix 1 List of Commentors

Association	Signatory	Date
Antioch, City of Contra Costa Water District	Harrington	8/5/2010
Antioch, City of	Spaulding	8/19/2010
CalEMA	Bettenhausen	8/3/2010
California State Board of Food and Agriculture	Montna	9/2/2010
California Urban Water Agencies	Brown	8/13/2010
Coalition for a Sustainable Delta	Phillimore	8/27/2010
Contra Costa County Department of Conservation & Development	Goetz	8/24/2010
Contra Costa County Department of Conservation & Development	Goetz	9/10/2010
Contra Costa Water District	Gartrell	8/23/2010
Contra Costa Water District	Gartrell	8/24/2010
Contra Costa Water District	Gartrell	9/2/2010
Delta Counties Coalition	Piepho	8/17/2010
Delta Counties Coalition	Nejedly Piepho	8/26/2010
East Bay Municipal Utility District	Diemer	8/24/2010
Metropolitan Water District	Kightlinger	8/26/2010
Northern California Water Association and Regional Water Authority	Guy	8/23/2010
Sacramento, County of	DeVore	8/23/2010
Sacramento Regional County Sanitation District	Somavarapu	8/23/2010
Sacramento-San Joaquin Delta Conservancy	Nejedly Piepho	8/19/2010
San Joaquin County	Villapudua	8/23/2010
Solano County	Vasquez	8/13/2010
Solano County	Vasquez	8/23/2010
Snug Harbor Resorts, LLC	Suard	8/26/2010
State and Federal Contractors Water Agency	Buck	8/?/2010
Yolo Basin Foundation	Marchand	8/25/2010
Yolo, County of	Blacklock	8/23/2010
Commentor	Wilson	8/19/2010
Commentor	Wilson	8/19/2010
Resident of Delta	Zuckerman	9/1/2010

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Antioch, City of	8/19/2010	Please confirm that these will go into the record for consideration for the final draft, for review at the 8/26-27 meetings: - Antioch is still not on the map of diversions (Figure 5-1, pg. 42) - "Water quality has been a concern in the Delta since the late 1880s…into the Central Delta near Antioch…" (Section 1, pg. 3, line 34-35) –should be Western instead of Central Delta -Section 1, pg. 7, line 20-21: "Development of water storage and conveyance facilities modified the flow patterns by shifting peak river flows from fall through spring months to summer months" – not accurate! Peak flows were not only shifted by water exports but also reduced (both on a seasonal and annual basis).	This comment was not incorporated into the Final Interim Plan because this figured was copied from a report as illustrative of the type of analysis that would be considered in the Delta Plan. This comment will be considered for preparation of the Delta Plan and EIR.
CalEMA	8/3/2010	Page 6, Line 3 Strike: inadequate emergency preparedness from floods and other emergencies such as fire. Replace with: the many uncoordinated flood specific emergency planning projects.	This comment will be considered for preparation of the Delta Plan and EIR.
CalEMA	8/3/2010	Page II, Lines 23 - 24 Redundant: .. .in meeting California's future water supply needs in the future through ...	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	The Interim Plan should focus on the co-equal goals in the legislation that focus on the restoration of the Delta and water supply reliability in the Delta, areas upstream of the Delta and in the export areas. The interim Delta Plan is a key component of DWR's Water Plan Update for 2013 and Drought/Shortage planning process in so far as the achievement of the overall viability of the Delta as a water supply sources has been achieved, delayed, or complicated by unforeseen circumstances.	Following adoption of the Interim Plan on August 27, 2010, this comment will be considered for preparation of the Delta Plan and EIR.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Coalition for a Sustainable Delta	8/27/2010	...we also question why the Draft Interim Plan suggests that for inclusion in the Interim Plan short-term actions must address “urgent” issues (see p. 33). The “urgent” language cited to in the Delta Reform Act refers to the need to get moving on actions that can be implemented before the final Delta Plan and it does not require that short-term actions be inherently “urgent.” Such an interpretation could preclude action on certain Delta stressors that are certainly problematic (e.g., water quality) but not “urgent” in the sense that they are capable of being addressed within the time period before implementation of the final Delta Plan in 2012.	The Delta Stewardship Council is considering modifications of the Early Actions Questionnaire based upon initial use during September 2010.
Contra Costa County Department of Conservation & Development	8/24/2010	The major flaw in the Council's public process for the Interim Plan is its limited transparency and openness. The issue of transparency and openness was covered well by the Interim Plan's description of the Council's decision process for use of best available science...These principles were not followed by the Council in its review of many of the comments on the Interim Plan. An example of the lack of transparency and openness can be found in how the Interim Plan addresses levees...For Section 1, text was suggested to enhance discussion in the background section of the Interim Plan on the role Delta channels/levees serve as vital infrastructure to get surplus water from the North Delta to the export pumps in the South Delta...	The sentence was modified in the Final Interim Plan.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	The major flaw in the Council's public process for the Interim Plan is its limited transparency and openness. The issue of transparency and openness was covered well by the Interim Plan's description of the Council's decision process for use of best available science...These principles were not followed by the Council in its review of many of the comments on the Interim Plan. An example of the lack of transparency and openness can be found in how the Interim Plan addresses levees...For Section 4, a detailed early action was provided for the Council to request that the Department of Water Resources (DWR) identify near-term levee improvements essential to the operation of the SWP and the CVP and that can be funded by Proposition 1 E revenue. A detailed early action was also provided for the Council to develop recommendations to improve the process by which DWR administers the Delta Levees Subventions and Special Projects Programs, which are the primary source of state aid available for non-project levees in the Delta...	The Early Actions process was established to address issues that may require consideration prior to completion of the Delta Plan.
Contra Costa County Department of Conservation & Development	8/24/2010	The major flaw in the Council's public process for the Interim Plan is its limited transparency and openness. The issue of transparency and openness was covered well by the Interim Plan's description of the Council's decision process for use of best available science...These principles were not followed by the Council in its review of many of the comments on the Interim Plan. An example of the lack of transparency and openness can be found in how the Interim Plan addresses levees...Section 5 provides a map and table of current levee system integrity to be used as an analytical tool for organizing information that will be used as the basis for future Council actions concerning levees. Text was provided to highlight the need for a levee class suitable for levees that support through-Delta conveyance.	As described on page 42 of the Final Interim Plan, more detailed information related to uses protected by levees will be prepared for the Delta Plan.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...The Interim Plan does not need to specifically acknowledge the role Delta channels/levees serve as vital infrastructure to get surplus water from the North Delta to exports pumps in the South Delta?	As described on page 42 of the Final Interim Plan, more detailed information related to uses protected by levees will be prepared for the Delta Plan.
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...No early action is necessary to require DWR to identify near term levee improvements essential for water supplies that can be funded by currently available Proposition 1 E revenue?	As described in Appendix B of the Final Interim Plan, the Delta Stewardship Council will consider potential early actions throughout the preparation of the Delta Plan. One of those early actions could include consideration for levee improvements that support many uses including water supplies.
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...The Proposition 1 E resources being directed to the Delta Levee Subventions and Special Projects Programs are being used in a reasonably timely, efficient, effective and strategic way?	This comment will be considered for preparation of the Delta Plan and EIR
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...There are existing levee classifications suitable for levees that support through-Delta conveyance so there is no need to develop a separate levee class for this function?	As described on page 42 of the Final Interim Plan, more detailed information related to uses protected by levees will be prepared for the Delta Plan.
Contra Costa County Department of Conservation & Development	8/24/2010	The Interim Plan does not mention the position of the Council as explained in its recent scoping comments on the BDCP's Environmental Impact Report/Statement, nor does the Interim Plan explain how the Council intends to reach conclusions to the issues raised in those scoping comments. Silence on these points is of particular concern since the BDCP is scheduled for release in November.	This comment will be considered during the independent review of the BDCP process.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	Another significant deficiency in the Interim Plan is the process proposed for considering early actions. This process needs clarification and streamlining. Appendix B uses one seven-page questionnaire for considering both early action requests and plan/project/covered action review requests. The level of detail in the questionnaire is not appropriate for early action requests, particularly if the request is being made by a party that will not be responsible for implementing the early action. For instance, early action requests have already been submitted for the Council to undertake certain administrative actions, such as preparing a work plan or hiring a permanent executive director. Table 4-1 contains early actions that are not specified in statute, but the Interim Plan does not describe the criteria that were used to add these early actions for review by the Council. The Interim Plan suggests that other possible early actions should be screened against the legislative history criteria of urgency - which is not altogether very clear.	The Delta Stewardship Council is considering modifications of the Early Actions Questionnaire based upon initial use during September 2010.
Contra Costa County Department of Conservation & Development	8/24/2010	Include specific screening criteria in the Interim Plan for possible early actions and direct DSC staff to screen the early actions already received though public comment;	As described in Appendix B of the Final Interim Plan, the Delta Stewardship Council will consider potential early actions throughout the preparation of the Delta Plan. One of those early actions could include consideration for levee improvements that support many uses including water supplies.
Contra Costa County Department of Conservation & Development	8/24/2010	Prepare a separate, streamlined questionnaire for possible early actions for use by parties whose previous recommendations did not meet the screening criteria and for early actions that may be offered after adoption of the Interim Plan.	The Delta Stewardship Council is considering modifications of the Early Actions Questionnaire based upon initial use during September 2010.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	9/10/2010	While Fish & Game may make an initial determination that the BDCP meets the requirements of Section 85320, the Delta Reform Act designates the Council as the ultimate arbiter of that determination. Any appellant should be able to rely on the Council to fulfill this supervisory role in an objective, independent manner, which can only be accomplished through de novo review. The plain meaning of the Delta Reform Act grants the Council broad discretion in deciding on BDCP appeals and necessarily so. If the BDCP is to be included in the Delta Plan, there must be some provision to ensure the BDCP is compatible with the Delta Plan. The criteria set forth in Section 85320 are entirely consistent with the co-equal goals that the Delta Plan is meant to further.	This comment will be considered during the independent review of the BDCP process.
Contra Costa County Department of Conservation & Development	9/10/2010	The potential exists for the BDCP to be developed in a manner that complies with CEQA and the NCCP Act, but creates a fundamental conflict with the Delta Plan. This conflict can result from failing to provide a sufficiently comprehensive review and analysis of the criteria in Section 85320. Such facts can be brought to the Council through an appeal, in which case it is entirely appropriate for the Council to go beyond the administrative record used by the Department of Fish and Game to determine the BDCP compliance with Section 85320. The compliance decision is not a legal decision or a regulatory decision; it is a policy decision. The Delta Reform Act does not require the Council to defer to a regulatory agency (Fish & Game) for this policy decision. The Council should adopt the de novo review standard to ensure its independent judgment and discretion for this policy decision as envisioned by the statute.	This comment will be considered during the independent review of the BDCP process.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Contra Costa Water District	8/23/2010	Remove this paragraph from the Interim Plan Page 3 of Final Interim Plan - Replace with ... Salinity levels in Delta water have long been a concern. The two primary sources of salinity in the Delta are seawater intrusion and agricultural drainage. The contribution of salt from each of those processes to the overall salinity varies by season and by location within the Delta. For example, in the western Delta near Antioch seawater intrusion is the primary source of salinity whereas salinity near Stockton is often largely due to agricultural runoff. Prior to European settlement, Delta salinity was primarily due to seawater intrusion and the extent of intrusion depended on the amount of freshwater flowing out of the Delta. Since the late 1880s, major anthropogenic modifications to the Delta that affect salinity intrusion can be classified into two categories: physical modifications of the landscape (e.g., removal of tidal marsh, separation of natural floodplains from valley rivers, construction of permanent artificial river channels, and land-use changes) and water management activities (e.g. diversion of water for direct agriculture, municipal, or industrial use, and reservoir storage and release operations). Over the past century, many strategies have been employed to manage increasing salinity in the Delta. Salinity has been and continues to be managed by both engineered solutions and by regulations. Engineered solutions include rock barriers and gates such as the Delta Cross Channel. Salinity regulations became prominent in 1978 when the Water Quality Control Plan and State Water Resources Control Board (SWRCB) Decision 1485 established water quality requirements at key locations to protect agriculture, municipal and industrial uses. The Bay-Delta Accord of 1994 and subsequent SWRCB Water Rights Decision 1641 have enhanced salinity regulations to protect fisheries. Despite many salinity management strategies over the past century, increasing salinity remains a key concern that must be addressed in order to protect and restore both the beneficial uses of the Delta and the environment.	The section was modified in the Final Interim Plan.
Contra Costa Water District	8/23/2010	Page 10 of Final Interim Plan - Update line 13 to say ... the Coordinated Operations Agreement that was adopted by federal law PL 99-546.	The sentence was modified in the Final Interim Plan.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Contra Costa Water District	8/24/2010	Contra Costa Water District (CCWD) is very pleased to see that Early Actions have been incorporated into the most recent version of the Interim Plan. However, upon closer review of the process outlined, we believe there is a serious flaw that can and should be rectified. As the process stands now, only implementing agencies can recommend a project to the Delta Stewardship Council and there is no way for the public to recommend, and the Council to add, a project that falls under the jurisdiction of a state or local agency but that the implementing agency has not recommended or acted upon. Such a process is needed so that the Delta Stewardship Council can provide the leadership to move forward with projects that advance the coequal goals.	The Delta Stewardship Council has accepted Early Actions applications from others who do not have specific responsibility for the Early Action
Contra Costa Water District	8/24/2010	CCWD recommends that the Interim Plan be modified to provide for any stakeholder to propose a project under the jurisdiction of the Plan for consideration by the Stewardship Council, with an opportunity for the responsible agency to respond and provide information to the Stewardship Council, and with the final decision being left to the Stewardship Council to include the project as proposed, to modify it, or to reject it. This would allow the Council to provide the leadership necessary to move forward with its mission. Of course, should the number of proposed projects be excessive, the Stewardship Council could establish policies to provide guidelines for acceptable proposals and allow its staff to screen proposals prior to moving forward with Council consideration.	The Delta Stewardship Council has accepted Early Actions applications from others who do not have specific responsibility for the Early Action
Delta Counties Coalition	8/26/2010	We have serious concerns with the haste of the process that the Delta Stewardship Council (DSC) has undertaken in developing the draft Interim Plan. Of particular concern is that DSC staff has not been given the time needed to reasonably consider the comments the DCC (or any other stakeholder) has provided regarding the first, second, and final draft interim plan.	This comment is noted and will be considered for preparation of the Delta Plan and EIR.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Delta Counties Coalition	8/26/2010	This rush to finalize the document will only serve to exclude from consideration concerns raised by stakeholders in previous drafts, defying the credibility of the DSC's public review process. Furthermore, this hasty process could result in fragmented decision making, project delay, and/or unnecessary administrative burdens on local agencies. The staff report is silent on the comments that have been incorporated in the Interim Plan, and more importantly, the comments that have been rejected and why. For a Plan of this importance, a truly deliberative process that includes responses to all of the comments raised is critical.	This comment is noted and will be considered for preparation of the Delta Plan and EIR.
East Bay Municipal Utility District	8/24/2010	The expanded finance section in the Final Draft Interim Plan provides valuable information for stakeholders, including specific references to the large cost estimates that have been circulated for the Delta Plan and BDCP. We agree that the Council should gather additional information on financing as proposed in the Final Draft Interim Plan...we encourage the Council to take the additional, vital step of identifying prospective beneficiaries from various actions or programs, and developing criteria to help guide your analysis in this area.	This comment will be considered for preparation of the Delta Plan and EIR.
Northern California Water Association and Regional Water Authority	8/23/2010	Revise the Plan's executive summary to delete the reference on page v to the State Water Resources Control Board's Delta flow criteria being "one of the early considerations of Delta water flow by the Council;"	The sentence was modified in the Final Interim Plan to include the need for additional information during preparation of the Delta Plan and EIR.
Northern California Water Association and Regional Water Authority	8/23/2010	Delete the discussion of "best available science" and insert a statement that the Council intends to address that topic in the long-term Delta Plan after receiving the input of the workgroups established by the Council;	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.
Northern California Water Association and Regional Water Authority	8/23/2010	Delete the discussion of a financing plan and insert a statement that the Council intends to address that topic in the long-term Delta Plan after receiving the input of the workgroups established by the Council.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Northern California Water Association and Regional Water Authority	8/23/2010	The draft interim plan's executive summary should be revised similarly because it still refers to the SWRCB's Delta flow criteria as "one of the early considerations of Delta water flow by the Council." (Third draft interim Delta Plan (clean version), p. v.) That characterization does not accurately summarize the draft interim plan's discussion of the SWRCB's Delta flow criteria. The first sentence on page v of the executive summary under the heading "Delta water flows" therefore should be deleted and replaced with: The SWRCB has adopted non-binding Delta flow criteria under Water Code section 85086.	The sentences were modified in the Final Interim Plan, including reference for additional information during preparation of the Delta Plan and EIR.
Northern California Water Association and Regional Water Authority	8/23/2010	The new discussion of "best available science" in the third draft interim Delta Plan unfortunately does not describe how the Council will review information from California's various scientific and engineering communities, given those communities' professional practices. Instead, that discussion would seem to apply without adjustment to all possible types of scientific information. Using the workgroups that the Council has established to help define how the Council should handle information provided by the various professional communities that practice in fields relevant to the Council's work could be very beneficial. The Council should not vote to approve standards concerning "best available science" that do not reflect the diversity of information that the Council will receive and that have been available for public review for only 11 days.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.
Northern California Water Association and Regional Water Authority	8/23/2010	Similar to the third draft interim Delta Plan's discussion of "best available science," that draft contains an extensively revised discussion of a finance plan. Unfortunately, that discussion is not transparent and could be misinterpreted to suggest that there is an existing well of local funding that the Council could tap. We therefore recommend that the discussion be deleted and replaced with statements that the Council intends to work on a finance plan under the long-term Delta Plan, with input from the workgroups established by the Council.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Northern California Water Association and Regional Water Authority	8/23/2010	This is particularly true because the third draft interim plan's discussion of past "water users/local funding" contains serious flaws. Table 5-2 is entitled "Finances of Activities in the Delta (Under Development)," suggesting that all of the finances reflected in the table are available for possible use in funding implementation of a Delta Plan...The sources of information for those table entries, however, are either unclear or contradict the suggestion that similar amounts of water-user fees would be available for Delta Plan implementation. These sources are not appropriate to support the third draft interim Delta Plan's much stronger discussion of user fees.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted. Additional information will be considered during development of the Delta Plan.
Northern California Water Association and Regional Water Authority	8/23/2010	The subject of a Delta finance plan is much too complicated and contentious for the Council to make significant statements about it on 11 days' notice. Accordingly, the Council should delete the finance-plan discussion contained in the third draft interim plan and should state the Council intends to work on developing a finance plan under the longterm Delta Plan, after obtaining input from the workgroups established by the Council.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted. Additional information will be considered during development of the Delta Plan.
Sacramento, County of	8/23/2010	...the County continues to believe that DSC leadership is unduly expediting the preparation (and adoption) of a key policy document. Unfortunately, the lack of comprehensive full-circle dialogue with local governments and other Delta stakeholders with interests in the Delta sets the stage for fragmented interpretation and implementation.	This comment is noted and will be considered for preparation of the Delta Plan and EIR.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Sacramento, County of	8/23/2010	The IP relies far too much on the policy platform set forth in the Delta Vision Strategic Plan rather than incorporating the strategies and concepts found in other Delta-related policy documents, such as the Delta Protection Commission's Resource Management Plan (RMP). We strongly encourage DSC leadership and staff to incorporate the policies and actions found in the RMP into the permanent Delta Plan, particularly those actions that provide long-term protection of agricultural resources/operations and foster sustained economic development by enhancing and promoting tourism and recreational opportunities.	This comment is noted and will be considered for preparation of the Delta Plan and EIR.
Sacramento, County of	8/23/2010	Draft # 3 of the IP continues to contain numerous references and descriptions of statutory citations but does not specifically address how the Plan's guidelines (interim early actions) will actually achieve the new statutory charges.	This comment will be considered for preparation of the Delta Plan and EIR, especially during the development and evaluation of alternatives.
Sacramento, County of	8/23/2010	Effectively addressing this statutory objective is a monumental task that will require the establishment of positive working partnerships with a host of local governments and stakeholders. The expedited preparation of the IP did not allow for substantive public and stakeholder outreach and feedback.	This comment will be considered for preparation of the Delta Plan and EIR, especially during the development and evaluation of alternatives.
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The legislative mandate for the Delta Conservancy to prepare a Strategic Plan that is consistent with the Delta Plan (See Public Resources Code 32376) was not mentioned in the Interim Plan. We believe the Delta Conservancy and the DSC need to coordinate and collaborate closely as we develop our respective plans, and implement them.	This comment will be included in the Delta Plan and EIR.
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The Delta Conservancy recommends that the Interim Plan elaborate on the balance necessary between aquatic and terrestrial species, and provide better definition of where mitigation efforts would take place. The Delta Conservancy would also like to see a discussion of what the potential direct benefits from those efforts could be to the Delta communities.	This comment will be considered for preparation of the Delta Plan and EIR.

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Association	Date	Comment	Status of Comment
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The Delta Conservancy thanks the Council for improving the discussion, about incorporating and defining best available science. The Delta Conservancy encourages the Council to continue to refine this section of the report and include consideration of necessary flows for the Delta's ecosystem.	This comment will be considered for preparation of the Delta Plan and EIR.
San Joaquin County	8/23/2010	In the development of plans centered on the coequal goals, the Council should provide additional guidance on how the Interim Plan will address this yet unresolved conflict of coequal goals and also how the plan will abide by established laws designed to protect the Delta and other area of origin protections. San Joaquin County's Comment: The Final Interim Plan does include language that addresses the Council's consideration of these issues found on Page 15 (Lines 4-11)...However, the Plan does not specify how it intends to address and incorporate these statutory laws and protections into the Delta Plan. At this point, this may be all that can be expected. In meetings with DSC staff. they stated that this issue would be included in the Delta Plan.	This comment will be considered for preparation of the Delta Plan and EIR.
San Joaquin County	8/23/2010	The enforcement of existing laws and quality standards is a short-term action that can be implemented immediately under the Interim Delta Plan. Through the Fish and Game Code, California WC and other laws and decisions, both the California Department of Fish and Game and the State Board have existing enforcement authorities to address various code and standard violations. For example, under Decision D-1641, the responsibility to meet the Delta salinity objectives...Final Interim Plan does include language that discusses water quality but does not address the Council's consideration of actions it should take to uphold existing water quality standards in the Delta.	This comment will be considered for preparation of the Delta Plan and EIR.
San Joaquin County	8/23/2010	Reference in the Final Plan that the Two-Gates Fish Protection Project will be constructed by December 1, 2010 should be removed or updated. It is not realistic to expect this project will be constructed within the next few months.	This comment was not incorporated into the Final Interim Plan because this was a citation from SBX7 1.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
San Joaquin County	8/23/2010	The Plan is replete with references to the effects of future climate change and sea level rise on the Delta. Unfortunately. the science behind this discussion is lacking and must be called into question when the best available science is to be utilized. For example. in the review of the Delta Risk Management Strategy Phase I Technical Memoranda by the USACE (May 23, 2007) Reviewer: Goettel referred to the Report Section on Climate Change on pg 19 of the review as follows: On page 13, the TM summarizes four possible mean sea level rises for 2100, ranging from 20 cm to 140 cm, and note: "The state of the science does not allow quantitative estimates of the probabilities of these different projections. Even Subjective, semiquantitative probabilities cannot be reliably assigned. "The underlined statement above is the most important reference to the state of climate change science and any confidence in the magnitude of sea level rise and the resulting impacts on the Delta.	This comment is noted and will be considered for preparation of the Delta Plan and EIR.
San Joaquin County	8/23/2010	The Final Draft Interim Plan references separate planning processes currently developing specific recommendations for improving emergency response in the Delta. In this area of concern, the Interim Plan only makes one specific recommendation to stockpile flood fight materials. It should be noted that San Joaquin County has forwarded, in writing, several specific concerns and recommendations for improving emergency response and public safety in the Delta to both those referenced planning processes and to the Delta Stewardship Council. San Joaquin urges the DSC to ensure that these specific recommendations are either addressed in those separate planning processes or within the Final DSC Plan. San Joaquin County would want an opportunity to review, and comment on, specific implementation plans for any emergency response recommendations that the DSC endorses prior to their final adoption.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Solano County	8/23/2010	Although this interim document is a plan, the ultimate purpose of the Delta Stewardship Council (Council) should be communicated clearly and broadly, so each stakeholder impacted by this document will understand the Council's ultimate goal(s). Plans should be flexible enough to adjust based on circumstances, but the purpose should remain regardless of environmental or other factors or events that cause changes. It is encouraging to see that even after adoption, the Interim Plan may be revised with specific projects and programs added as appropriate. In addition to the importance of plan flexibility, if a general understanding exists of the Council's purpose, this will help in establishing the relative weight of project and funding priorities.	This comment is noted and will be considered during preparation of the Delta Plan.
Solano County	8/23/2010	Interagency collaboration is another tool that will be invaluable in avoiding duplication and achieving the best and most cost-effective results. It would appear that plans impacting the Delta should be the result of collaboration between numerous State entities...Many of the areas targeted for habitat restoration efforts have human and physical infrastructure that should be identified and appropriately addressed. It is critical to establish dialogue and a basic understanding of how the strategies of each group involved intersect. If State agencies wisely choose to work cooperatively with other State and local government entities, impacted agencies can be identified, opportunities for collaboration recognized, and the end products may be mutually beneficial and less costly.	Interagency groups will be established to provide input into preparation of the Delta Plan.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Snug Harbor Resorts, LLC	8/26/2010	Take a close look at the impact of the Freeport Regional water Project: The new water intake facility and pumping plant-located on the Sacramento River upstream of Freeport-was built to pump diverted Sacramento River water through the new pipelines to other FRWP facilities. Eight vertical turbine pumps with 2,000-hp electric induction motors has the capacity to pump up to 185 million gallons per day of water....Impact of a new, additional tunnel or canal, if built, and in additional to the "central canal" completed as part of the interim plan: New Tunnel of 15,000 cfs equates to the following gallons and acre feet per year: 15,000 cfs x 646,320 gallons = 96,948,000 gallons per day	This comment will be considered for preparation of the Delta Plan and EIR.
State and Federal Contractors Water Agency	8/?/2010	Because the IP was initially described as and remains primarily a “framework” document for developing recommendations rather than actually putting forth “early actions, projects and programs”, we are disappointed that an opportunity for the Council to more quickly exert influence to promote actions that will further the co-equal goals has been delayed. Nevertheless, we do appreciate the added commitment to make these recommendations before the end of the calendar year. It is important, which seems to be the intent, to promote activities beyond those identified in the legislation. Consequently, the solicitation and review process added to this draft is welcomed.	Comment noted.
State and Federal Contractors Water Agency	8/?/2010	We were particularly frustrated, however, by the addition of language on page 2 of the red line/strike-out version that perpetuates misunderstanding of California’s water rights system. The excerpt from the Delta Vision Strategic Plan (DVSP) should be stricken. The apparent point being made does not require this language and the lack of sophistication evidenced by repeating such statements alongside caveats that essentially refute them does a disservice to the Council and the public.	This comment was not incorporated into the Final Interim Plan because this information is provided as background information.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	8/?/2010	Page (P) ii, line 37: mention is made here, and repeated later in the document, of the Council having defined its role in relationship to the Bay Delta Conservation Plan (BDCP) process. It is unclear what the Council's determination of its role actually is. If, as we assume, it is "defined" by the May 10, 2010 letter from Mr. Grindstaff to the BDCP, it would be beneficial to reference that letter (perhaps in a footnote). If there is more to the Council's position vis-à-vis its "role in relationship" to the BDCP, it needs further clarification.	The Delta Stewardship Council was identified as a Responsible Agency in development of the environmental impact report for the Bay Delta Conservation Program.
State and Federal Contractors Water Agency	8/?/2010	P v, lines 20-21: The reference to "urgency criteria described in the legislative history of SBX7 1" should be clarified by specifically identifying those criteria in the document.	A footnote was added to this page.
State and Federal Contractors Water Agency	8/?/2010	P vi, lines 4-6: We reiterate our concerns about the lack of clarity as to the expected "use" of "Delta water flows" as an "analytical tool for Council action". We do not understand how or why the Council will be making "early considerations of Delta water flow" when the State Water Resources Control Board (Board) is the proper venue for such review and determination. While certainly the Council should be aware of activity related to flow management and regulation in and related to the Delta, this language is still too vague as to the Council's intent with respect to its "consideration" of "Delta water flows".	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P vi, lines 7-14: Although the BDCP has not been finalized, it can still help inform the discussion of potential actions under the IP and certainly should be referenced here as part of the planning that will inform the Delta Plan (DP). Indeed, assuming it satisfies the legislative requirements to do so, the BDCP will be a key driver of ecosystem restoration activities in the Delta Plan. Consequently, a reference to the BDCP here is conspicuously absent and should be rectified.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	8/?/2010	P 2, lines 22-35: To state that "available water appears to be overpromised" misleads the reader. California's water rights system doesn't "promise" water. It regulates, along with water quality requirements imposed by the Board, the distribution of water based on what nature provides and the legal framework embedded in the water rights system, including Article X, Section II of the California Constitution. A water right does not confer a guarantee that water will always be available; rather the priority system regulates shortages. In addition, with regard to the export projects, their contracts are constrained by hydrology and limitations on operations imposed through biological opinions. It is not the state's system of regulating water rights that is inadequate; it is the Board's ability to enforce water rights that is inadequate, along with information deficiencies. We suggest the following substitute sentence: "Additionally, nature often provides less water than is necessary to meet all demands at all times and the lack of reliable real-time information and enforcement capability compromises efficient water rights administration."	This comment was not incorporated into the Final Interim Plan because this was a citation from the Delta Vision Strategic Plan.
State and Federal Contractors Water Agency	8/?/2010	The excerpt from the DVSP should be removed. It perpetuates misunderstanding of how water rights work in California with no countervailing benefit to its inclusion in the document. Putting a period after "challenging" at the end of line 24 and appending that sentence to the end of the previous paragraph makes the same point well, without regurgitating assertions that reflect a lack of sophistication in understanding and are counterproductive to the process. When Delta Vision included this in its report, the coequal goals had not been established in law. Nor had the policy to "reduce reliance on the Delta" to meet "future water supply needs". Those legislative mandates make the "information" provided in lines 26-35 even less probative for any purpose of the IP or DP.	This comment was not incorporated into the Final Interim Plan because this information is provided as background information.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	8/?/2010	P 5, lines 22-23: the following clause should be changed as suggested here: "…the historically high level of water exports through the major south Delta pumps in the last two decades,"	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 7, line 15-16: strike the language after "intakes" because it is too simplistic and misleading. There are other triggers related to hydrology and turbidity as well. The additional "detail" does not add to the point being made about regulatory constraints.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 10, line 24: the added reference to "funding recommendations" apparently attributed to the Act is confusing because the legislation was silent on financing implementation of the Delta Plan. If the intent is to reference the "funding recommendations" in the DVSP which must be considered by the Council, but not necessarily adopted, then that should be clearly stated.	This comment is noted and will be considered for preparation of the Delta Plan and EIR.
State and Federal Contractors Water Agency	8/?/2010	P 11, lines 17-19: Delete all the language after "Act." Calling out only select reasonable and prudent actions (RPAs) promotes a too narrow perspective that tends to ignore many other critical factors impacting the Delta system. Furthermore, the biological opinions and the RPAs have been called into question by the federal District Court.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P A-15, lines 4 and 12-13: We reiterate our disagreement with the Council's interpretation as put forth here and incorporate by reference our July 28, 2010 letter to the Council regarding these jurisdictional and standard of review issues related to the BDCP.	This comment will be considered during completion of the Administrative Procedures
State and Federal Contractors Water Agency	8/?/2010	P iii, lines 35-37: This sentence needs to be reworked to convey its intent. As written it is garbled and confusing. The idea of "informing" the Council with "advice" doesn't really make sense in the context of the IP.	This comment was not incorporated into the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P iv, line 11: replace "make" with "take".	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P iv, line 29: add "to" between "related" and "and".	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P viii, line 19: substitute "developed" for "adopted".	This comment was not incorporated into the Final Interim Plan.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
State and Federal Contractors Water Agency	8/?/2010	P 7, line 7: replace “the” with “a”.	This comment was not incorporated into the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 7, line 8: replace “it” with “the legislative action approving the proposal”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 9, lines 16-18: Strike “Although” and begin the paragraph with “The”. Put a period after “1988”. Strike “and” and begin the next sentence with “While some….”	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 10, line 23: insert “a” between “at” and “time”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 11, line 40: replace “the” with “its” before “Strategic Workplan”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 12, lines 2-3: change the sentence to read “…a detailed evaluation of methods for and effects analyses of proposed ecosystem restoration activities, including development of methods to conduct effects analyses improving conveyance facilities.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 27, line 1: delete “of”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 53, line 1: To ensure clarity and provide the total context, insert “, but not necessarily adopted,” between “considered” and “in”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 56, line 11: change “addition” to “additional”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 56, line 12: add “an” between “includes” and “estimated” and replace “from” with “of”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P 56, line 13: add “a” between “and” and “projected”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P A-14, line 9: It should be Paragraph 18 not 19.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P B-1, line 18: delete extra space in “o f”.	The sentence was modified in the Final Interim Plan.
State and Federal Contractors Water Agency	8/?/2010	P B-6, lines 3, 9, 15, 20, 26, 31, 37, and line 6 on P B-7: Most proposed actions will not implicate all eight policy objectives. We suggest adding a fifth category of “N/A” to the other four options to choose from.	This was modified in the Final Interim Plan.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Yolo, County of	8/23/2010	As a general matter, the roles and responsibilities of the Council and its staff-as well as local agencies and their staff-remains unclear in the Final Draft. The Interim Plan should precisely describe these responsibilities, as well as responsibilities of local agencies with regard to early consultation and other interactions with the Council. It should also clearly define opportunities that may be available to local governments, such as the means of seeking Council support for state funding for projects of local or regional importance. The Final Draft, however, is not sufficiently detailed enough to serve as a proper "roadmap" for local government on these matters. It also has the potential, depending on interpretation, to place a significant and unnecessary burden on local government.	This comment will be considered for preparation of the Delta Plan and EIR.
Yolo, County of	8/23/2010	...the County understands that early consultation is a voluntary process that may vary in scope from project to project to suit the needs of the participating local agency. Portions of the Final Draft (e.g., p. 31), however, indicate the potential for Council "recommendations" in the context of this process. Ms. Macaulay has advised County staff that such recommendations will not customarily be part of the early consultation process except in connection with the "early actions" covered by the Final Draft, or if a local agency seeks such recommendations from the Council on other projects. These are valuable clarifications and they should be incorporated into the Final Draft.	The Delta Stewardship Council will consider Early Actions and may provide recommendations depending upon the action.
Yolo, County of	8/23/2010	In addition, the County understands that the detailed procedures set forth in Appendix A-2 apply only to "early actions" and other projects that are brought by state and local agencies to the Council for some form of action prior to adoption of the Delta Plan. As Ms. Macaulay has advised us, those procedures do not apply to all potentially "covered actions" that may be the subject of early consultation. This is a basic point that could easily be clarified in the Final Draft to avoid misunderstandings during implementation of the Interim Plan.	This comment will be considered as the Early Action process continues.

Matrix 2 Comments Related to Interim Plan

Association	Date	Comment	Status of Comment
Yolo, County of	8/23/2010	...the Interim Plan identifies a wide range of plans, projects, and programs that are anticipated for future consideration by the Council. At least some of these-including the proposed creation of floodplain habitat in the Yolo Bypass-will uniquely affect the interests of the County and its citizens. We look forward to having an active and meaningful role in the Council's discussion of such plans, projects, and programs at the appropriate point in time. The same is true for other issues which affect the Delta as a region, such as the development of means to finance the Council, the Delta Conservancy, the Delta Protection Commission, and various other efforts. The County strongly encourages the Council to continue its effort to facilitate broad participation in such matters by local agencies within the Delta.	Interagency groups will be established to provide input into preparation of the Delta Plan.
Commentor	8/19/2010	Here is the real reason the Water Bill was delayed--published today in the Sacramento News and Review: newsreview.com/sacramento/content?oid=1516923	This comment will be considered for preparation of the Delta Plan and EIR.
Commentor	8/19/2010	This video was produced a day ago and puts into words and picutres the details of Gov. Arnold Schwarzenegger's stealth plan to implement parts of the Water Bill without allowing the public to vote on it. This is a clear-cut water grab that would allow the MWD to ruing the Delta and all of Northern California the same way it ruined the Owens Valley with their massive water grab there. Please be aware of how serious this is and how it will affect your Northern California lifestyle. Please spread it around. Here is the link: youtube.com/watch?v=VG_Qullmr_Y	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 3 Comments Related to Delta Plan

Association	Date	Comment	Status of Comment
Coalition for a Sustainable Delta	8/27/2010	As part of this coordination effort, the DSC should seek to fully understand what the agencies with involvement in the Delta are and are not doing, and what they could be doing under their existing authority to improve conditions in the Delta. Enforcement serves as the foundation of the effort to address Delta stressors. Many of the stressors, such as poor water quality and predation by non-native sport fish, fall under existing obligations of State agencies.	This comment will be considered for preparation of the Delta Plan and EIR.
Coalition for a Sustainable Delta	8/27/2010	Before the Delta Plan creates new obligations, shortfalls in the enforcement of existing laws should be documented and improved. As we previously recommended, the DSC should conduct an enforcement audit and require concrete steps during the Interim Plan implementation period to improve enforcement of existing laws in the Delta, including those related to water rights, water quality, and native species protection.	This comment will be considered for preparation of the Delta Plan and EIR.
Contra Costa County Department of Conservation & Development	8/24/2010	The separate Comment Tracking Matrix (Agenda Item 16, Attachment 3) is a welcomed addition to the Council's deliberations, but it falls short in a number of areas...Should stakeholders not bother to repeat these comments? Should stakeholders guess which comments not incorporated into the Interim Plan are believed by the Council to be inappropriate in any case?	All letters and emails received by the Delta Stewardship Council are posted to the Council website and are included in the complete Comment Matrix. It is not necessary to resubmit comments that have been posted to the website.
Sacramento, County of	8/23/2010	Draft # 3 of the IP continues to contain numerous references and descriptions of statutory citations but does not specifically address how the Plan's guidelines (interim early actions) will actually achieve the new statutory charges.	This comment will be considered for preparation of the Delta Plan and EIR, especially during the development and evaluation of alternatives.
Sacramento, County of	8/23/2010	Effectively addressing this statutory objective is a monumental task that will require the establishment of positive working partnerships with a host of local governments and stakeholders. The expedited preparation of the IP did not allow for substantive public and stakeholder outreach and feedback.	This comment will be considered for preparation of the Delta Plan and EIR, especially during the development and evaluation of alternatives.

Matrix 3 Comments Related to Delta Plan

Association	Date	Comment	Status of Comment
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The Delta Plan should address areas of interest not currently described in detail in the Interim Plan such as the importance of agricultural economic development, as well as recreation, to the local economy and communities as these areas of focus to both the Council and Delta Conservancy as defined in statute.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 4 Comments Related to Early Actions

Association	Date	Comment	Status of Comment
CalEMA	8/3/2010	Early Actions: The Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force submits its strategy and recommendations to the Legislature and the Governor - Cal EMA, DWR, DPC, and the five Delta Counties - Jan 2011	This comment will be considered for preparation of the Delta Plan and EIR.
CalEMA	8/3/2010	Early Actions: Completion of the review and revision of the Inland Region Mass Evacuation Plan - Cal EMA, CalTrans, CHP, and the five Delta Counties - April 2011	This comment will be considered for preparation of the Delta Plan and EIR.
CalEMA	8/3/2010	Early Actions: Golden Guardian 20 II (Region wide Delta Flood Emergency Response Exercise) - CalEMA and all state agencies - May 2011	This comment will be considered for preparation of the Delta Plan and EIR.
Coalition for a Sustainable Delta	8/27/2010	First, the Coalition remains concerned about the lack of concrete early actions contained within the Draft Interim Plan, including any acknowledgement of enforcement of existing laws as a tool to improve conditions in the Delta. There are a number of actions the DSC can take (or direct other agencies to undertake) immediately under existing authority; such actions were detailed in our prior comments and include requesting that the Fish and Game Commission amend its striped bass fishing regulations to reduce predation on native Delta fish species and that the State Water Resources Control Board and Central Valley Regional Water Quality Control Board take action to address illegal diversions and harmful wastewater and stormwater discharges into the Delta.	The Early Actions process was established to address issues that may require consideration prior to completion of the Delta Plan. Early Actions issues also will be considered during preparation of the Delta Plan and EIR.
Contra Costa County Department of Conservation & Development	8/24/2010	Comment Matrix 4 (Comments Related to Early Actions), fails to include the seven early actions from Contra Costa County's August 3'd comment letter, which were organized according to the policy objectives of the new Delta Reform Act as requested in the Chair's letter of July 14, 2010. The County's comment letter also referenced our July 30th correspondence to the Governance and Implementation Work Group which included 10 early actions the Council should consider to promote implementation of the SBX7-1. These early actions were also omitted from Matrix 4.	The matrix provided at the August 2010 Delta Stewardship Council meeting did not include comments related to Work Groups. In addition, several letters were not posted until later. All letters and emails received by the Council are posted to the Council website and are included in the complete Comment Matrix. It is not necessary to resubmit comments that have been posted to the website.

Matrix 4 Comments Related to Early Actions

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	The major flaw in the Council's public process for the Interim Plan is its limited transparency and openness. The issue of transparency and openness was covered well by the Interim Plan's description of the Council's decision process for use of best available science...These principles were not followed by the Council in its review of many of the comments on the Interim Plan. An example of the lack of transparency and openness can be found in how the Interim Plan addresses levees...For Section 4, a detailed early action was provided for the Council to request that the Department of Water Resources (DWR) identify near-term levee improvements essential to the operation of the SWP and the CVP and that can be funded by Proposition 1 E revenue. A detailed early action was also provided for the Council to develop recommendations to improve the process by which DWR administers the Delta Levees Subventions and Special Projects Programs, which are the primary source of state aid available for non-project levees in the Delta;	The Early Actions process was established to address issues that may require consideration prior to completion of the Delta Plan.
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...No early action is necessary to require DWR to identify near term levee improvements essential for water supplies that can be funded by currently available Proposition 1 E revenue?	As described in Appendix B of the Final Interim Plan, the Delta Stewardship Council will consider potential early actions throughout the preparation of the Delta Plan. One of those early actions could include consideration for levee improvements that support many uses including water supplies.

Matrix 4 Comments Related to Early Actions

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	Another significant deficiency in the Interim Plan is the process proposed for considering early actions. This process needs clarification and streamlining. Appendix B uses one seven-page questionnaire for considering both early action requests and plan/project/covered action review requests. The level of detail in the questionnaire is not appropriate for early action requests, particularly if the request is being made by a party that will not be responsible for implementing the early action. For instance, early action requests have already been submitted for the Council to undertake certain administrative actions, such as preparing a work plan or hiring a permanent executive director. Table 4-1 contains early actions that are not specified in statute, but the Interim Plan does not describe the criteria that were used to add these early actions for review by the Council. The Interim Plan suggests that other possible early actions should be screened against the legislative history criteria of urgency - which is not altogether very clear.	The Delta Stewardship Council is considering modifications of the Early Actions Questionnaire based upon initial use during September 2010.
Contra Costa County Department of Conservation & Development	8/24/2010	Include specific screening criteria in the Interim Plan for possible early actions and direct DSC staff to screen the early actions already received though public comment;	As described in Appendix B of the Final Interim Plan, the Delta Stewardship Council will consider potential early actions throughout the preparation of the Delta Plan. One of those early actions could include consideration for levee improvements that support many uses including water supplies.
Contra Costa County Department of Conservation & Development	8/24/2010	Prepare a separate, streamlined questionnaire for possible early actions for use by parties whose previous recommendations did not meet the screening criteria and for early actions that may be offered after adoption of the Interim Plan.	The Delta Stewardship Council is considering modifications of the Early Actions Questionnaire based upon initial use during September 2010.

Matrix 4 Comments Related to Early Actions

Association	Date	Comment	Status of Comment
Contra Costa Water District	8/24/2010	Contra Costa Water District (CCWD) is very pleased to see that Early Actions have been incorporated into the most recent version of the Interim Plan. However, upon closer review of the process outlined, we believe there is a serious flaw that can and should be rectified. As the process stands now, only implementing agencies can recommend a project to the Delta Stewardship Council and there is no way for the public to recommend, and the Council to add, a project that falls under the jurisdiction of a state or local agency but that the implementing agency has not recommended or acted upon. Such a process is needed so that the Delta Stewardship Council can provide the leadership to move forward with projects that advance the coequal goals.	The Delta Stewardship Council has accepted Early Actions applications from others who do not have specific responsibility for the Early Action
Contra Costa Water District	8/24/2010	CCWD recommends that the Interim Plan be modified to provide for any stakeholder to propose a project under the jurisdiction of the Plan for consideration by the Stewardship Council, with an opportunity for the responsible agency to respond and provide information to the Stewardship Council, and with the final decision being left to the Stewardship Council to include the project as proposed, to modify it, or to reject it. This would allow the Council to provide the leadership necessary to move forward with its mission. Of course, should the number of proposed projects be excessive, the Stewardship Council could establish policies to provide guidelines for acceptable proposals and allow its staff to screen proposals prior to moving forward with Council consideration.	The Delta Stewardship Council has accepted Early Actions applications from others who do not have specific responsibility for the Early Action

Matrix 4 Comments Related to Early Actions

Association	Date	Comment	Status of Comment
East Bay Municipal Utility District	8/24/2010	As noted in our July 28, 2010 letter, the Two Gates Project that is listed in Table 4-1 should incorporate a robust fishery monitoring component and a clearly articulated adaptive management program before it is implemented. The effects on migrating salmon need to be adequately monitored and addressed, including predation effects, to ensure that a project intended to benefit Delta smelt does not inadvertently impact other important fish species. Please keep this in mind when you review that project which is listed for potential Council action in September or October.	This Early Action initially will be considered by the Council in September 2010.
Sacramento-San Joaquin Delta Conservancy	8/19/2010	There is some uncertainty about what would be considered in reviewing early actions. The Delta Conservancy suggests that the Council include information about potential effects of early actions to the Delta's ecosystem and economic sustainability.	The Delta Stewardship Council is considering modifications of the Early Actions Questionnaire based upon initial use during September 2010.
State and Federal Contractors Water Agency	8/?/2010	Because the IP was initially described as and remains primarily a “framework” document for developing recommendations rather than actually putting forth “early actions, projects and programs”, we are disappointed that an opportunity for the Council to more quickly exert influence to promote actions that will further the co-equal goals has been delayed. Nevertheless, we do appreciate the added commitment to make these recommendations before the end of the calendar year. It is important, which seems to be the intent, to promote activities beyond those identified in the legislation. Consequently, the solicitation and review process added to this draft is welcomed.	Comment noted.

Matrix 4 Comments Related to Early Actions

Association	Date	Comment	Status of Comment
Yolo, County of	8/23/2010	...the County understands that early consultation is a voluntary process that may vary in scope from project to project to suit the needs of the participating local agency. Portions of the Final Draft (e.g., p. 31), however, indicate the potential for Council "recommendations" in the context of this process. Ms. Macaulay has advised County staff that such recommendations will not customarily be part of the early consultation process except in connection with the "early actions" covered by the Final Draft, or if a local agency seeks such recommendations from the Council on other projects. These are valuable clarifications and they should be incorporated into the Final Draft.	The Delta Stewardship Council will consider Early Actions and may provide recommendations depending upon the action.
Yolo, County of	8/23/2010	In addition, the County understands that the detailed procedures set forth in Appendix A-2 apply only to "early actions" and other projects that are brought by state and local agencies to the Council for some form of action prior to adoption of the Delta Plan. As Ms. Macaulay has advised us, those procedures do not apply to all potentially "covered actions" that may be the subject of early consultation. This is a basic point that could easily be clarified in the Final Draft to avoid misunderstandings during implementation of the Interim Plan.	This comment will be considered as the Early Action process continues.

Matrix 5 Comments Related to Administrative Procedures

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	The department is pleased with the content of the Council policies and procedures included in Appendix A. The procedures for appeals and reviews are responsive to the comments we provided the Council's attorney, at the invitation of the Chair. A de novo decision on an appeal of Fish & Game's determination that the Bay Delta Conservation Plan meets the additional requirements of the SBX7 -1 (beyond the California Environmental Quality Act and the Natural Communities Conservation Planning Act) will ensure the Council will use its independent judgment and will not be bound by the administrative record used by Fish & Game.	This comment will be considered during completion of the Administrative Procedures
Delta Counties Coalition	8/17/2010	Based on the new re-drafted version of the appeal procedures as presented on August 12, 2010, we wish to express our appreciation for the revisions you have made in an attempt to address our issues and concerns. We believe these are much more workable procedures. While these procedures do pose new administrative burdens, we can live with them depending on how they will be applied in real time with real appeals. We do request that the Council review and consider appropriate revisions to the procedures after adoption of the Delta Plan and as actual experience with the appeal process develops over time.	This comment will be considered during completion of the Administrative Procedures
Delta Counties Coalition	8/17/2010	While we believe these procedures would benefit from further review and public input before final adoption, we will support the adoption of the amended procedures as presented to us on August 12, 2010. However, we do have an additional significant concern pertaining to the Administrative Procedures regarding BDCP appeals.	This comment will be considered during completion of the Administrative Procedures

Matrix 5 Comments Related to Administrative Procedures

Association	Date	Comment	Status of Comment
Delta Counties Coalition	8/17/2010	Portions of the Administrative Procedures relating to BDCP appeals under Water Code § 85320, remain inadequate. In deciding such appeals, the Council will independently review the Department of Fish and Game's determination that the BDCP meets the requirements of Section 85320(b). This will likely be a very complex and fact-intensive undertaking that will require a close examination of all relevant evidence in a de novo hearing. Despite this, the Administrative Procedures are largely silent on how such appeals will be carried out.	This comment will be considered during completion of the Administrative Procedures
Delta Counties Coalition	8/17/2010	Accordingly, the Delta Counties respectfully ask the Council to direct staff to conform provisions of the Administrative Procedures addressing the BDCP to the procedures for all other appeals...Given the scope and complexity of this task, the Council should ensure that the Administrative Procedures document includes rules for BDCP appeals that are clear, detailed, and consistent with the same principles reflected in the rules applicable to all other state and local agency actions. In paragraph 23, the following language should also be added: "The decision shall include detailed findings supported by specific reference to documentary or oral evidence in the record before the Council".	This comment will be considered during completion of the Administrative Procedures
Metropolitan Water District	8/26/2010	In particular, the Council's duties in relation to development of the Bay-Delta Conservation Plan (BDCP) were the subject of much discussion and careful draftsmanship. We believe the language proposed in Appendix 3 to the Council's draft Final Draft Interim Plan conflicts with very specific restrictions on the Council's relationship to existing regulatory processes and is contrary to general law regarding review of administrative agency decisions.	This comment will be considered during completion of the Administrative Procedures

Matrix 5 Comments Related to Administrative Procedures

Association	Date	Comment	Status of Comment
Metropolitan Water District	8/26/2010	Proposed Appendix 3 establishes the Council's procedures for appeal and review of elements of the Delta Plan. Of particular importance to Metropolitan is the assertion in Appendix 3 that the Council has the authority to appeal to itself the Department of Fish and Game's (DFG) determinations regarding the BDCP and then to disregard DFG's determinations and substitute its own judgment. Metropolitan wholeheartedly joins in the State and Federal Contractors Water Agency's July 28, 2010, detailed comment letter analyzing the errors in this interpretation of the Council's appellate authority...	This comment will be considered during completion of the Administrative Procedures
Sacramento, County of	8/23/2010	One of the IP new implementation actions establishes a new layer of regulatory review and approval (i.e., consistency findings) for all public and private projects defined as a "covered action." While Appendix A.3 contains revised procedures, based on collaboration of the legal counsel of the 5-Delta counties, more work and refinement is required to ensure this new project consistency finding process does not pose an undue regulatory barrier and negatively impact the approval of public and private local land use and water management projects located in the primary zone.	This comment will be considered during completion of the Administrative Procedures
Sacramento Regional County Sanitation District	8/23/2010	...SRCSD in our July 20, 2010 letter on the Draft Administrative Procedures Governing Appeals, identified an endless loop of appeals issue with the procedures that we believe could be corrected by simply deleting in paragraph 15.b) " . .. , 30 days has elapsed and no person has appealed the revised certification".	This comment will be considered during completion of the Administrative Procedures
Sacramento-San Joaquin Delta Conservancy	8/19/2010	Regarding the approval and appeal process, the Delta Conservancy recommends, to the extent permitted by existing law, all projects should be subject to the same standards in the early actions review process. This approach would allow the Delta Conservancy to understand how these processes link with its developing Strategic Plan.	This comment will be considered during completion of the Administrative Procedures

Matrix 5 Comments Related to Administrative Procedures

Association	Date	Comment	Status of Comment
Resident of Delta	9/1/2010	The document entitled "Final Draft 8/12/2010" proposes in paragraph 23 that the Council's decision on its review of the Bay-Delta Conservation Plan upon appeal shall be "de novo, based upon its independent judgment on reviewing the applicable law and facts." Based upon my long experience in these matters, I think this is a correct approach given the Council's breadth of experience and authority in this area.	This comment will be considered during completion of the Administrative Procedures
Resident of Delta	9/1/2010	The legislature has clearly established in Water Code Section 1126 that when a court reviews a decision of the State Water Resources Control Board affecting vested water rights that it exercise its independent judgment on the evidence presented in the hearing. The standard for review by the Delta Stewardship Council should similarly be based upon its independent judgment on the evidence presented to or by the Department of Fish and Game and its decision related to the Bay-Delta Conservation Plan, in addition to the other factors which the legislation has directed the Council to consider.	This comment will be considered during completion of the Administrative Procedures
Resident of Delta	9/1/2010	Typically, a "de novo" hearing does not entail re-trying the entire case, but does entail a close examination of the underlying record to determine whether the decision under appeal was supported by the "weight of the evidence" as opposed to "substantial evidence." The consequences flowing from the Bay-Delta Conservation Plan are of such significance that "de novo" review as to law and facts is clearly called for in my judgment.	This comment will be considered during completion of the Administrative Procedures

Matrix 5 Comments Related to Administrative Procedures

Association	Date	Comment	Status of Comment
Resident of Delta	9/1/2010	The letter submitted by the Metropolitan Water District of Southern California dated August 26, 2010 on this subject and which was made available at the meeting, relies heavily upon "legislative history" of the Delta Reform legislation enacted during last year's Seventh Extraordinary Session. Anyone familiar with that process would caution against relying upon such "legislative history" since hardly anyone (other than apparently the Metropolitan Water District of Southern California) had any idea what was going on in the final drafting and adoption of that legislative package. Certainly Delta interests did not and it would add insult to injury to suggest that an issue as important as this was "part of the deal"	This comment will be considered during completion of the Administrative Procedures

Matrix 6 Comments Related to Bay Delta Conservation Program

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	The department is pleased with the content of the Council policies and procedures included in Appendix A. The procedures for appeals and reviews are responsive to the comments we provided the Council's attorney, at the invitation of the Chair. A de novo decision on an appeal of Fish & Game's determination that the Bay Delta Conservation Plan meets the additional requirements of the SBX7 -1 (beyond the California Environmental Quality Act and the Natural Communities Conservation Planning Act) will ensure the Council will use its independent judgment and will not be bound by the administrative record used by Fish & Game.	This comment will be considered during completion of the Administrative Procedures
Contra Costa County Department of Conservation & Development	8/24/2010	The Interim Plan does not mention the position of the Council as explained in its recent scoping comments on the BDCP's Environmental Impact Report/Statement, nor does the Interim Plan explain how the Council intends to reach conclusions to the issues raised in those scoping comments. Silence on these points is of particular concern since the BDCP is scheduled for release in November.	This comment will be considered during the independent review of the BDCP process.
Contra Costa County Department of Conservation & Development	9/10/2010	While Fish & Game may make an initial determination that the BDCP meets the requirements of Section 85320, the Delta Reform Act designates the Council as the ultimate arbiter of that determination. Any appellant should be able to rely on the Council to fulfill this supervisory role in an objective, independent manner, which can only be accomplished through de novo review. The plain meaning of the Delta Reform Act grants the Council broad discretion in deciding on BDCP appeals and necessarily so. If the BDCP is to be included in the Delta Plan, there must be some provision to ensure the BDCP is compatible with the Delta Plan. The criteria set forth in Section 85320 are entirely consistent with the co-equal goals that the Delta Plan is meant to further.	This comment will be considered during the independent review of the BDCP process.

Matrix 6 Comments Related to Bay Delta Conservation Program

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	9/10/2010	The potential exists for the BDCP to be developed in a manner that complies with CEQA and the NCCP Act, but creates a fundamental conflict with the Delta Plan. This conflict can result from failing to provide a sufficiently comprehensive review and analysis of the criteria in Section 85320. Such facts can be brought to the Council through an appeal, in which case it is entirely appropriate for the Council to go beyond the administrative record used by the Department of Fish and Game to determine the BDCP compliance with Section 85320. The compliance decision is not a legal decision or a regulatory decision; it is a policy decision. The Delta Reform Act does not require the Council to defer to a regulatory agency (Fish & Game) for this policy decision. The Council should adopt the de novo review standard to ensure its independent judgment and discretion for this policy decision as envisioned by the statute.	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	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.	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	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.	This comment will be considered during the independent review of the BDCP process.

Matrix 6 Comments Related to Bay Delta Conservation Program

Association	Date	Comment	Status of Comment
Contra Costa Water District	9/2/2010	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.	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...1. Purpose and Need Statement: Should a new version be published?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...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.	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...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?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...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?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...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)	This comment will be considered during the independent review of the BDCP process.

Matrix 6 Comments Related to Bay Delta Conservation Program

Association	Date	Comment	Status of Comment
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...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?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...1. Covered Activities...b. Is new conveyance a covered activity or a conservation measure?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...2. Near-term water operations...a. What are the near-term water operations (under existing infrastructure) conservation measures?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...2. Near-term water operations...b. What will the range be that defines real-time component of operations?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...2. Near-term water operations...c. What is the adaptive management range for water operations?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...2. Near-term water operations...d. What would be the process that would allow for changes in water operations?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...2. Near-term water operations...e. What are near-term water supply goals?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...2. Near-term water operations...f. What are near-term goals for fisheries?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...3. Long-term water operations...a. What are the long-term water operations (with new conveyance facilities) conservation measures?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...3. Long-term water operations...b. What will the range be that defines the real-time component of operations?	This comment will be considered during the independent review of the BDCP process.

Matrix 6 Comments Related to Bay Delta Conservation Program

Association	Date	Comment	Status of Comment
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...3. Long-term water operations...c. What is the adaptive range for long-term water operations?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...3. Long-term water operations...d. What are long-term water supply goals?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...3. Long-term water operations...e. What are long-term goals for fisheries?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...4. Habitat Restoration..a. What adjustments should be made to the habitat restoration targets?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...4. Habitat Restoration..b. How does habitat restoration change if fishery goals are met early or not met?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...5. Other Stressors a. What are the “other stressor” actions to be added to conservation measures?	This comment will be considered during the independent review of the BDCP process.
Contra Costa Water District	9/2/2010	List of BDCP Issues Yet to Be Resolved 8/30/2010...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)?	This comment will be considered during the independent review of the BDCP process.
Delta Counties Coalition	8/17/2010	While we believe these procedures would benefit from further review and public input before final adoption, we will support the adoption of the amended procedures as presented to us on August 12, 2010. However, we do have an additional significant concern pertaining to the Administrative Procedures regarding BDCP appeals.	This comment will be considered during completion of the Administrative Procedures

Matrix 6 Comments Related to Bay Delta Conservation Program

Association	Date	Comment	Status of Comment
Delta Counties Coalition	8/17/2010	Portions of the Administrative Procedures relating to BDCP appeals under Water Code § 85320, remain inadequate. In deciding such appeals, the Council will independently review the Department of Fish and Game's determination that the BDCP meets the requirements of Section 85320(b). This will likely be a very complex and fact-intensive undertaking that will require a close examination of all relevant evidence in a de novo hearing. Despite this, the Administrative Procedures are largely silent on how such appeals will be carried out.	This comment will be considered during completion of the Administrative Procedures
Delta Counties Coalition	8/17/2010	Accordingly, the Delta Counties respectfully ask the Council to direct staff to conform provisions of the Administrative Procedures addressing the BDCP to the procedures for all other appeals...Given the scope and complexity of this task, the Council should ensure that the Administrative Procedures document includes rules for BDCP appeals that are clear, detailed, and consistent with the same principles reflected in the rules applicable to all other state and local agency actions. In paragraph 23, the following language should also be added: "The decision shall include detailed findings supported by specific reference to documentary or oral evidence in the record before the Council".	This comment will be considered during completion of the Administrative Procedures
East Bay Municipal Utility District	8/24/2010	Although not specifically listed within Table 4-1, the ongoing independent review of the Bay Delta Conservation Plan (BDCP) should be one of the highest priorities for the Council in the upcoming months.	This comment will be considered during the independent review of the BDCP process.

Matrix 6 Comments Related to Bay Delta Conservation Program

Association	Date	Comment	Status of Comment
East Bay Municipal Utility District	8/24/2010	Up to now, there has been no clarification between elements of the ecosystem program that are more fairly characterized as mitigation for SWP/CVP operations, versus restoration with broad public benefits. We believe that the Council has a critical role to review this question in a thorough and transparent manner. Numerous entities will have a financial interest in how these big costs are allocated. Only the Council has the necessary independence supported by their own consultants and scientists to review the elements of the BDCP and consider who benefits from implementation of the BDCP ecosystem program.	This comment will be considered during the independent review of the BDCP process.
San Joaquin County	8/23/2010	Proposals developed under the Delta Vision and BDCP would change the Delta's physical structure, ecology, and water quality and quantity for the worse with the development of a peripheral canal that will transport water from the Sacramento River directly to export facilities for use south of the Delta.	This comment will be considered during the independent review of the BDCP process.
State and Federal Contractors Water Agency	8/?/2010	Page (P) ii, line 37: mention is made here, and repeated later in the document, of the Council having defined its role in relationship to the Bay Delta Conservation Plan (BDCP) process. It is unclear what the Council's determination of its role actually is. If, as we assume, it is "defined" by the May 10, 2010 letter from Mr. Grindstaff to the BDCP, it would be beneficial to reference that letter (perhaps in a footnote). If there is more to the Council's position vis-à-vis its "role in relationship" to the BDCP, it needs further clarification.	The Delta Stewardship Council was identified as a Responsible Agency in development of the environmental impact report for the Bay Delta Conservation Program.

Matrix 7 Comments Related to Finance and Economics

Association	Date	Comment	Status of Comment
California State Board of Food and Agriculture	9/2/2010	Given the potential loss of agricultural capacity in the Delta, the state will pledge financial and infrastructure resources by acknowledging the cultural heritage agriculture has provided to the region through any investments made in organized public spaces; and by helping remaining agricultural enterprises in the area comply with the Federal Clean Water to prevent harm to downstream agriculture.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	The basis for any restoration of a Delta ecosystem rests upon an open and documented understanding of the region's past role: process of physical change including water quality, flood events and dangers; desirable and undesirable impacts; and value to current urban, environmental, recreational, cultural and agricultural goals with the private, local, state and federal resources available to addressing them given the additional burden of climate change. Thus the governance of the Delta must operate in general acknowledgement of these factors and in a complimentary manner with the operation and efficiency of the state water system so that the diverse stakeholders it serves and who provided funding in return, recognize the value of the Delta to their own enterprises, values, local needs and prosperity.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.
California State Board of Food and Agriculture	9/2/2010	Additionally, developing a Finance Plan that relies on fees for water users is premature and should be developed in tandem with improvements in water supplies.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 7 Comments Related to Finance and Economics

Association	Date	Comment	Status of Comment
California Urban Water Agencies	8/13/2010	In 2009, the CUWA Board of Representatives unanimously endorsed the attached Financing Principles for Delta Improvements and Participants in a Healthy Delta Ecosystem and Reliable Water Supply. Since the Delta Stewardship Council has been tasked with developing the Delta Plan for achieving the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin Delta ecosystem, we are providing these policy principles and assessment of Delta beneficiaries to the Council for consideration in developing a funding program for Delta improvements.	This comment will be considered for preparation of the Delta Plan and EIR.
East Bay Municipal Utility District	8/24/2010	The expanded finance section in the Final Draft Interim Plan provides valuable information for stakeholders, including specific references to the large cost estimates that have been circulated for the Delta Plan and BDCP. We agree that the Council should gather additional information on financing as proposed in the Final Draft Interim Plan...we encourage the Council to take the additional, vital step of identifying prospective beneficiaries from various actions or programs, and developing criteria to help guide your analysis in this area.	This comment will be considered for preparation of the Delta Plan and EIR.
East Bay Municipal Utility District	8/24/2010	Regardless of the final disposition of AB 2092, we encourage the Council to take the additional, vital step of identifying prospective beneficiaries from various actions or programs, and developing criteria to help guide your analysis in this area	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 7 Comments Related to Finance and Economics

Association	Date	Comment	Status of Comment
East Bay Municipal Utility District	8/24/2010	Financing of the BDCP ecosystem program is an area of special concern to stakeholders that are not directly involved in or likely to directly benefit from the BDCP...The BDCP applicants will receive 50-year operating permits as a result of BDCP implementation, yet they have not committed to pay for the program themselves and are actively seeking public funding for that effort. Up to now, there has been no clarification between elements of the ecosystem program that are more fairly characterized as mitigation for SWP/CVP operations, versus restoration with broad public benefits. We believe that the Council has a critical role to review this question in a thorough and transparent manner. Numerous entities will have a financial interest in how these big costs are allocated. Only the Council has the necessary independence supported by their own consultants and scientists to review the elements of the BDCP and consider who benefits from implementation of the BDCP ecosystem program.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.
Northern California Water Association and Regional Water Authority	8/23/2010	Delete the discussion of a financing plan and insert a statement that the Council intends to address that topic in the long-term Delta Plan after receiving the input of the workgroups established by the Council.	This comment will be considered for preparation of the Delta Plan and EIR.
Northern California Water Association and Regional Water Authority	8/23/2010	Similar to the third draft interim Delta Plan's discussion of "best available science," that draft contains an extensively revised discussion of a finance plan. Unfortunately, that discussion is not transparent and could be misinterpreted to suggest that there is an existing well of local funding that the Council could tap. We therefore recommend that the discussion be deleted and replaced with statements that the Council intends to work on a finance plan under the long-term Delta Plan, with input from the workgroups established by the Council.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 7 Comments Related to Finance and Economics

Association	Date	Comment	Status of Comment
Northern California Water Association and Regional Water Authority	8/23/2010	This is particularly true because the third draft interim plan's discussion of past "water users/local funding" contains serious flaws. Table 5-2 is entitled "Finances of Activities in the Delta (Under Development)," suggesting that all of the finances reflected in the table are available for possible use in funding implementation of a Delta Plan...The sources of information for those table entries, however, are either unclear or contradict the suggestion that similar amounts of water-user fees would be available for Delta Plan implementation. These sources are not appropriate to support the third draft interim Delta Plan's much stronger discussion of user fees.	This comment will be considered for preparation of the Delta Plan and EIR.
Northern California Water Association and Regional Water Authority	8/23/2010	The subject of a Delta finance plan is much too complicated and contentious for the Council to make significant statements about it on 11 days' notice. Accordingly, the Council should delete the finance-plan discussion contained in the third draft interim plan and should state the Council intends to work on developing a finance plan under the longterm Delta Plan, after obtaining input from the workgroups established by the Council.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted. Additional information will be considered during development of the Delta Plan.
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The Delta Plan should address areas of interest not currently described in detail in the Interim Plan such as the importance of agricultural economic development, as well as recreation, to the local economy and communities as these areas of focus to both the Council and Delta Conservancy as defined in statute.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted. Additional information will be considered during development of the Delta Plan.

Matrix 8 Comments Related to Water Resources

Association	Date	Comment	Status of Comment
Antioch, City of Contra Costa Water District	8/5/2010	The City of Antioch has been diverting fresh water from its intake since the 1860s. The City has an adjudicated pre-1914 appropriative right. Salinity at the City's intake has increased substantially over the years and is projected to increase even further with the proposed BDCP project. When salinity at the City's intake is so high that it precludes use of water at the intake, the City purchases water from CCWD; the City is only partially reimbursed for these purchases according to the terms of an agreement between the City and the California Department of Water Resources (DWR) which could be potentially rendered nearly ineffective by the salinity levels predicted from the BDCP Project.	This comment will be considered for preparation of the Delta Plan and EIR.
Antioch, City of Contra Costa Water District	8/5/2010	The concerns voiced by the City of Antioch at the last Council meeting regarding the degradation of western Delta water quality under BDCP modeling scenarios must be addressed. The issue is not CCWD's price for water that Antioch would have to purchase in order to compensate for the decreased use of their intake under the modeling scenario; it is that the impacts of BDCP-proposed conveyance must be mitigated. CCWD has spent over $800M in the last 20 years to adapt to an ever saltier Delta and sustain the quality of water delivered to its customers. Mitigation for further impacts from a voluntary BDCP being developed for the benefit of others is a serious issue that must be addressed.	This comment will be considered for preparation of the Delta Plan and EIR.
Antioch, City of Contra Costa Water District	8/5/2010	Increasing salinity throughout the Delta has been detrimental to the ecosystem, as well as municipal, industrial, and agricultural water supplies. The invasion of the Asian clam Corbula into Suisun Bay began in the mid 1980s during a period of low river flow and high salinity intrusion. Corbula populations increase with increasing salinity, and substantially decrease during periods of low salinity.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 8 Comments Related to Water Resources

Association	Date	Comment	Status of Comment
California State Board of Food and Agriculture	9/2/2010	We support the Plan recognizing the imbalance in water supplies and demands from the Delta watershed, but urge the Plan to accurately state the way water supplies are managed in California. For example, the reference to eight times the average annual unimpaired flows is inaccurate and misleading (p. 2).	The Interim Plan included introductory information. Detailed information will developed for the Delta Plan and EIR. This comment will be considered in preparation of those documents.
California State Board of Food and Agriculture	9/2/2010	During the last decade, Delta water flow and exports have received disproportionate attention as the predominant cause of ecosystem decline. Recent studies increasingly point to predation by non-native species, toxic discharges, and invasive species as more significant stressors. Restoration of Delta ecosystems will not occur without an expansive and unbiased analysis and mitigation of these “other stressors”.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	Creating a sustainable Delta ecosystem is an important objective, but to be successful, the Delta Plan should address all stressors in the Delta. For example, the State Water Resources Control Board report on Delta flow criteria is one-dimensional and, if implemented, would decimate California agriculture throughout the state and thus should and cannot be relied upon by the Delta Stewardship Council.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	California’s farmers and ranchers are committed to efficient water management and complying with the various provisions in the legislative package. The State Board of Food and Agriculture will assist in informing and helping implement these important measures. In developing policies, the state and federal agencies should recognize that these measures are dependent upon the region of the state and California policy must reflect regional differences and the unique nature of each region.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 8 Comments Related to Water Resources

Association	Date	Comment	Status of Comment
California State Board of Food and Agriculture	9/2/2010	Water use efficiency is defined as the level to which existing facilities can be used to stretch supplies through flexible operations and the ability to store water that has been conserved. As specific to agriculture, water use efficiency helps to promote agricultural productivity and prevent land retirement as a result of dry conditions and shortages. As stated in the 2009 Water Plan Update, farmers need to be assured that conservation will not result in the loss of water rights spurring the loss of efficiency. California must recognize "retained" supplies as a result of real conservation measures and as a way to spur private and local government investments in water use efficiency as well. California must also account for the ability to conserve water that can be retained for dry years through new storage facilities and legal mechanisms governing the operation of existing facilities.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	Urban and agricultural areas that discharge sewage and run-off into the Delta must be assisted with financial and infrastructure resources to comply with the Federal Clean Water Act to prevent harm to downstream agriculture through degraded water quality. California's farmers and ranchers in the Central Valley are working closely with the Regional Water Quality Control Board through the Irrigated Lands Program to improve and enhance water quality, the California Dairy Program and other programs that will improve water quality in the Delta watershed.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 8 Comments Related to Water Resources

Association	Date	Comment	Status of Comment
California State Board of Food and Agriculture	9/2/2010	A viable conveyance system is needed to help with the strategic timely movement of water in California where it can be retained in accessible storage facilities, and used in compliance with environmental laws and to cope with climate change and a permanent state of uncertainty. Conveyance and storage must operate hand-in-hand to encourage water efficiency as well as to motivate conservation of supplies that can be retained for dry conditions. In looking at strategic water resources for the State of California, new and improved storage in areas upstream of the Delta (i.e., Sites Reservoir, Temperance Flat) will be critical to restore the Delta while advancing regional sustainability and improving statewide water supplies.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	The basis for any restoration of a Delta ecosystem rests upon an open and documented understanding of the region's past role: process of physical change including water quality, flood events and dangers; desirable and undesirable impacts; and value to current urban, environmental, recreational, cultural and agricultural goals with the private, local, state and federal resources available to addressing them given the additional burden of climate change. Thus the governance of the Delta must operate in general acknowledgement of these factors and in a complimentary manner with the operation and efficiency of the state water system so that the diverse stakeholders it serves and who provided funding in return, recognize the value of the Delta to their own enterprises, values, local needs and prosperity.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 8 Comments Related to Water Resources

Association	Date	Comment	Status of Comment
California Urban Water Agencies	8/13/2010	In 2009, the CUWA Board of Representatives unanimously endorsed the attached Financing Principles for Delta Improvements and Participants in a Healthy Delta Ecosystem and Reliable Water Supply. Since the Delta Stewardship Council has been tasked with developing the Delta Plan for achieving the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin Delta ecosystem, we are providing these policy principles and assessment of Delta beneficiaries to the Council for consideration in developing a funding program for Delta improvements.	This comment will be considered for preparation of the Delta Plan and EIR.
San Joaquin County	8/23/2010	A central issue to the proper management of the Delta, the Delta Plan must address how the interpretation of the coequal goals under the Delta Reform Act will coincide with meeting existing water right and area of origin protections. To reiterate from comments provided on the 1st Draft Interim Plan, a vast number of water users within the Delta beneficially use water pursuant to legally established riparian and/or overlying rights, which are among the most senior of water rights in the state, and are duly protected from the Projects' export operations which are based on junior appropriative water rights.	This comment will be considered for preparation of the Delta Plan and EIR.
San Joaquin County	8/23/2010	In the development of plans centered on the coequal goals, the Council should provide additional guidance on how the Interim Plan will address this yet unresolved conflict of coequal goals and also how the plan will abide by established laws designed to protect the Delta and other area of origin protections. San Joaquin County's Comment: The Final Interim Plan does include language that addresses the Council's consideration of these issues found on Page 15 (Lines 4-11)...However, the Plan does not specify how it intends to address and incorporate these statutory laws and protections into the Delta Plan. At this point, this may be all that can be expected. In meetings with DSC staff. they stated that this issue would be included in the Delta Plan.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 8 Comments Related to Water Resources

Association	Date	Comment	Status of Comment
San Joaquin County	8/23/2010	The enforcement of existing laws and quality standards is a short-term action that can be implemented immediately under the Interim Delta Plan. Through the Fish and Game Code, California WC and other laws and decisions, both the California Department of Fish and Game and the State Board have existing enforcement authorities to address various code and standard violations. For example, under Decision D-1641, the responsibility to meet the Delta salinity objectives...Final Interim Plan does include language that discusses water quality but does not address the Council's consideration of actions it should take to uphold existing water quality standards in the Delta.	This comment will be considered for preparation of the Delta Plan and EIR.
San Joaquin County	8/23/2010	The Plan is replete with references to the effects of future climate change and sea level rise on the Delta. Unfortunately. the science behind this discussion is lacking and must be called into question when the best available science is to be utilized. For example. in the review of the Delta Risk Management Strategy Phase I Technical Memoranda by the USACE (May 23, 2007) Reviewer: Goettel referred to the Report Section on Climate Change on pg 19 of the review as follows: On page 13, the TM summarizes four possible mean sea level rises for 2100, ranging from 20 cm to 140 cm, and note: "The state of the science does not allow quantitative estimates of the probabilities of these different projections. Even Subjective, semiquantitative probabilities cannot be reliably assigned. "The underlined statement above is the most important reference to the state of climate change science and any confidence in the magnitude of sea level rise and the resulting impacts on the Delta.	This comment is noted and will be considered for preparation of the Delta Plan and EIR.

Matrix 8 Comments Related to Water Resources

Association	Date	Comment	Status of Comment
Snug Harbor Resorts, LLC	8/26/2010	Take a close look at the impact of the Freeport Regional water Project: The new water intake facility and pumping plant-located on the Sacramento River upstream of Freeport-was built to pump diverted Sacramento River water through the new pipelines to other FRWP facilities. Eight vertical turbine pumps with 2,000-hp electric induction motors has the capacity to pump up to 185 million gallons per day of water....Impact of a new, additional tunnel or canal, if built, and in additional to the "central canal" completed as part of the interim plan: New Tunnel of 15,000 cfs equates to the following gallons and acre feet per year: 15,000 cfs x 646,320 gallons = 96,948,000 gallons per day	This comment will be considered for preparation of the Delta Plan and EIR.
Yolo Basin Foundation	8/25/2010	...I am submitting the attached paper as part of the public record for development of the Interim Delta Plan and the Delta Plan. The purpose of this paper is to present an approach for providing floodplain habitat in the Yolo Bypass to benefit juvenile salmon. This is an alternative to the proposed modification of the Fremont Weir to increases the frequency and duration of eastside flooding that has been described by the *Bay Delta Conservation Plan (BDCP)* and other documents. This "Westside Option" will bring juvenile salmon onto the floodplain in a managed way using existing infrastructure, while preserving the flood control function, agricultural productivity, and wetland habitat values of the Yolo Bypass.	This comment will be considered for preparation of the Delta Plan and EIR.
Yolo Basin Foundation	8/25/2010	The Foundation Board encourages the Stewardship Council to include Westside Option pilot projects described in the attached paper as potential early actions...We believe that pilot projects to address the need for an increase in salmon rearing habitat could be initiated in the near term, which is the focus of the Interim Plan.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 9 Comments Related to Water Quality

Association	Date	Comment	Status of Comment
Antioch, City of Contra Costa Water District	8/5/2010	The City of Antioch has been diverting fresh water from its intake since the 1860s. The City has an adjudicated pre-1914 appropriative right. Salinity at the City's intake has increased substantially over the years and is projected to increase even further with the proposed BDCP project. When salinity at the City's intake is so high that it precludes use of water at the intake, the City purchases water from CCWD; the City is only partially reimbursed for these purchases according to the terms of an agreement between the City and the California Department of Water Resources (DWR) which could be potentially rendered nearly ineffective by the salinity levels predicted from the BDCP Project.	This comment will be considered for preparation of the Delta Plan and EIR.
Antioch, City of Contra Costa Water District	8/5/2010	The concerns voiced by the City of Antioch at the last Council meeting regarding the degradation of western Delta water quality under BDCP modeling scenarios must be addressed. The issue is not CCWD's price for water that Antioch would have to purchase in order to compensate for the decreased use of their intake under the modeling scenario; it is that the impacts of BDCP-proposed conveyance must be mitigated. CCWD has spent over $800M in the last 20 years to adapt to an ever saltier Delta and sustain the quality of water delivered to its customers. Mitigation for further impacts from a voluntary BDCP being developed for the benefit of others is a serious issue that must be addressed.	This comment will be considered for preparation of the Delta Plan and EIR.
Antioch, City of Contra Costa Water District	8/5/2010	Increasing salinity throughout the Delta has been detrimental to the ecosystem, as well as municipal, industrial, and agricultural water supplies. The invasion of the Asian clam Corbula into Suisun Bay began in the mid 1980s during a period of low river flow and high salinity intrusion. Corbula populations increase with increasing salinity, and substantially decrease during periods of low salinity.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 9 Comments Related to Water Quality

Association	Date	Comment	Status of Comment
California State Board of Food and Agriculture	9/2/2010	During the last decade, Delta water flow and exports have received disproportionate attention as the predominant cause of ecosystem decline. Recent studies increasingly point to predation by non-native species, toxic discharges, and invasive species as more significant stressors. Restoration of Delta ecosystems will not occur without an expansive and unbiased analysis and mitigation of these “other stressors”.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	Creating a sustainable Delta ecosystem is an important objective, but to be successful, the Delta Plan should address all stressors in the Delta. For example, the State Water Resources Control Board report on Delta flow criteria is one-dimensional and, if implemented, would decimate California agriculture throughout the state and thus should and cannot be relied upon by the Delta Stewardship Council.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	The basis for any restoration of a Delta ecosystem rests upon an open and documented understanding of the region’s past role, process of physical change including water quality, desirable and undesirable impacts and value to current environmental, recreational, cultural and agricultural goals and the private, local, state and federal resources available to addressing them given the additional burden of climate change.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	Urban and agricultural areas that discharge sewage and run-off into the Delta must be assisted with financial and infrastructure resources to comply with the Federal Clean Water Act to prevent harm to downstream agriculture through degraded water quality. California’s farmers and ranchers in the Central Valley are working closely with the Regional Water Quality Control Board through the Irrigated Lands Program to improve and enhance water quality, the California Dairy Program and other programs that will improve water quality in the Delta watershed.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 9 Comments Related to Water Quality

Association	Date	Comment	Status of Comment
Northern California Water Association and Regional Water Authority	8/23/2010	Delete the discussion of “best available science” and insert a statement that the Council intends to address that topic in the long-term Delta Plan after receiving the input of the workgroups established by the Council;	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.
Northern California Water Association and Regional Water Authority	8/23/2010	The new discussion of “best available science” in the third draft interim Delta Plan unfortunately does not describe how the Council will review information from California’s various scientific and engineering communities, given those communities’ professional practices. Instead, that discussion would seem to apply without adjustment to all possible types of scientific information. Using the workgroups that the Council has established to help define how the Council should handle information provided by the various professional communities that practice in fields relevant to the Council’s work could be very beneficial. The Council should not vote to approve standards concerning “best available science” that do not reflect the diversity of information that the Council will receive and that have been available for public review for only 11 days.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.
Sacramento Regional County Sanitation District	8/23/2010	When choices must be made among competing interpretations of available science, the Delta Independent Science Board should have more influence with the Council than independently peer reviewed publications in determining the best available science. Council members should rely on their independent career scientists that thoroughly understand the state of knowledge regarding pertinent issues.	This comment will be considered for preparation of the Delta Plan and EIR, especially during the development and evaluation of alternatives.
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The Delta Conservancy thanks the Council for improving the discussion, about incorporating and defining best available science. The Delta Conservancy encourages the Council to continue to refine this section of the report and include consideration of necessary flows for the Delta's ecosystem.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 10 Comments Related to Ecosystem Resources

Association	Date	Comment	Status of Comment
California State Board of Food and Agriculture	9/2/2010	During the last decade, Delta water flow and exports have received disproportionate attention as the predominant cause of ecosystem decline. Recent studies increasingly point to predation by non-native species, toxic discharges, and invasive species as more significant stressors. Restoration of Delta ecosystems will not occur without an expansive and unbiased analysis and mitigation of these “other stressors”.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	Creating a sustainable Delta ecosystem is an important objective, but to be successful, the Delta Plan should address all stressors in the Delta. For example, the State Water Resources Control Board report on Delta flow criteria is one-dimensional and, if implemented, would decimate California agriculture throughout the state and thus should and cannot be relied upon by the Delta Stewardship Council.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	The basis for any restoration of a Delta ecosystem rests upon an open and documented understanding of the region’s past role, process of physical change including water quality, desirable and undesirable impacts and value to current environmental, recreational, cultural and agricultural goals and the private, local, state and federal resources available to addressing them given the additional burden of climate change.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	Urban and agricultural areas that discharge sewage and run-off into the Delta must be assisted with financial and infrastructure resources to comply with the Federal Clean Water Act to prevent harm to downstream agriculture through degraded water quality. California’s farmers and ranchers in the Central Valley are working closely with the Regional Water Quality Control Board through the Irrigated Lands Program to improve and enhance water quality, the California Dairy Program and other programs that will improve water quality in the Delta watershed.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 10 Comments Related to Ecosystem Resources

Association	Date	Comment	Status of Comment
California State Board of Food and Agriculture	9/2/2010	The basis for any restoration of a Delta ecosystem rests upon an open and documented understanding of the region's past role: process of physical change including water quality, flood events and dangers; desirable and undesirable impacts; and value to current urban, environmental, recreational, cultural and agricultural goals with the private, local, state and federal resources available to addressing them given the additional burden of climate change. Thus the governance of the Delta must operate in general acknowledgement of these factors and in a complimentary manner with the operation and efficiency of the state water system so that the diverse stakeholders it serves and who provided funding in return, recognize the value of the Delta to their own enterprises, values, local needs and prosperity.	This comment will be considered for preparation of the Delta Plan and EIR.
California Urban Water Agencies	8/13/2010	In 2009, the CUWA Board of Representatives unanimously endorsed the attached Financing Principles for Delta Improvements and Participants in a Healthy Delta Ecosystem and Reliable Water Supply. Since the Delta Stewardship Council has been tasked with developing the Delta Plan for achieving the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin Delta ecosystem, we are providing these policy principles and assessment of Delta beneficiaries to the Council for consideration in developing a funding program for Delta improvements.	This comment will be considered for preparation of the Delta Plan and EIR.
Northern California Water Association and Regional Water Authority	8/23/2010	Delete the discussion of "best available science" and insert a statement that the Council intends to address that topic in the long-term Delta Plan after receiving the input of the workgroups established by the Council;	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.

Matrix 10 Comments Related to Ecosystem Resources

Association	Date	Comment	Status of Comment
Northern California Water Association and Regional Water Authority	8/23/2010	The new discussion of "best available science" in the third draft interim Delta Plan unfortunately does not describe how the Council will review information from California's various scientific and engineering communities, given those communities' professional practices. Instead, that discussion would seem to apply without adjustment to all possible types of scientific information. Using the workgroups that the Council has established to help define how the Council should handle information provided by the various professional communities that practice in fields relevant to the Council's work could be very beneficial. The Council should not vote to approve standards concerning "best available science" that do not reflect the diversity of information that the Council will receive and that have been available for public review for only 11 days.	Based upon discussions at the Delta Stewardship Council August 2010 meeting, this item was not deleted.
Sacramento Regional County Sanitation District	8/23/2010	When choices must be made among competing interpretations of available science, the Delta Independent Science Board should have more influence with the Council than independently peer reviewed publications in determining the best available science. Council members should rely on their independent career scientists that thoroughly understand the state of knowledge regarding pertinent issues.	This comment will be considered for preparation of the Delta Plan and EIR, especially during the development and evaluation of alternatives.
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The Delta Conservancy recommends that the Interim Plan elaborate on the balance necessary between aquatic and terrestrial species, and provide better definition of where mitigation efforts would take place. The Delta Conservancy would also like to see a discussion of what the potential direct benefits from those efforts could be to the Delta communities.	This comment will be considered for preparation of the Delta Plan and EIR.
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The Delta Conservancy thanks the Council for improving the discussion, about incorporating and defining best available science. The Delta Conservancy encourages the Council to continue to refine this section of the report and include consideration of necessary flows for the Delta's ecosystem.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 10 Comments Related to Ecosystem Resources

Association	Date	Comment	Status of Comment
Yolo Basin Foundation	8/25/2010	...I am submitting the attached paper as part of the public record for development of the Interim Delta Plan and the Delta Plan. The purpose of this paper is to present an approach for providing floodplain habitat in the Yolo Bypass to benefit juvenile salmon. This is an alternative to the proposed modification of the Fremont Weir to increases the frequency and duration of eastside flooding that has been described by the *Bay Delta Conservation Plan (BDCP)* and other documents. This "Westside Option" will bring juvenile salmon onto the floodplain in a managed way using existing infrastructure, while preserving the flood control function, agricultural productivity, and wetland habitat values of the Yolo Bypass.	This comment will be considered for preparation of the Delta Plan and EIR.
Yolo Basin Foundation	8/25/2010	The Foundation Board encourages the Stewardship Council to include Westside Option pilot projects described in the attached paper as potential early actions...We believe that pilot projects to address the need for an increase in salmon rearing habitat could be initiated in the near term, which is the focus of the Interim Plan.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 11 Comments Related to Delta Communities

Association	Date	Comment	Status of Comment
California State Board of Food and Agriculture	9/2/2010	Given the potential loss of agricultural capacity in the Delta, the state will pledge financial and infrastructure resources by acknowledging the cultural heritage agriculture has provided to the region through any investments made in organized public spaces; and by helping remaining agricultural enterprises in the area comply with the Federal Clean Water to prevent harm to downstream agriculture.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	California's farmers and ranchers are committed to efficient water management and complying with the various provisions in the legislative package. The State Board of Food and Agriculture will assist in informing and helping implement these important measures. In developing policies, the state and federal agencies should recognize that these measures are dependent upon the region of the state and California policy must reflect regional differences and the unique nature of each region.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	The basis for any restoration of a Delta ecosystem rests upon an open and documented understanding of the region's past role, process of physical change including water quality, desirable and undesirable impacts and value to current environmental, recreational, cultural and agricultural goals and the private, local, state and federal resources available to addressing them given the additional burden of climate change.	This comment will be considered for preparation of the Delta Plan and EIR.
California State Board of Food and Agriculture	9/2/2010	Urban and agricultural areas that discharge sewage and run-off into the Delta must be assisted with financial and infrastructure resources to comply with the Federal Clean Water Act to prevent harm to downstream agriculture through degraded water quality. California's farmers and ranchers in the Central Valley are working closely with the Regional Water Quality Control Board through the Irrigated Lands Program to improve and enhance water quality, the California Dairy Program and other programs that will improve water quality in the Delta watershed.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 11 Comments Related to Delta Communities

Association	Date	Comment	Status of Comment
Sacramento, County of	8/23/2010	The IP relies far too much on the policy platform set forth in the Delta Vision Strategic Plan rather than incorporating the strategies and concepts found in other Delta-related policy documents, such as the Delta Protection Commission's Resource Management Plan (RMP). We strongly encourage DSC leadership and staff to incorporate the policies and actions found in the RMP into the permanent Delta Plan, particularly those actions that provide long-term protection of agricultural resources/operations and foster sustained economic development by enhancing and promoting tourism and recreational opportunities.	This comment is noted and will be considered for preparation of the Delta Plan and EIR.
Sacramento-San Joaquin Delta Conservancy	8/19/2010	The Delta Plan should address areas of interest not currently described in detail in the Interim Plan such as the importance of agricultural economic development, as well as recreation, to the local economy and communities as these areas of focus to both the Council and Delta Conservancy as defined in statute.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 12 Comments Related to Risk Reduction

Association	Date	Comment	Status of Comment
CalEMA	8/3/2010	The Interim Plan discusses at length the various water supply and ecosystem issues which are very important. However, Cal EMA considers the loss of life and damage to property due to a major flood or catastrophic levee failure in the Delta to be the most significant issue.	This comment will be considered for preparation of the Delta Plan and EIR.
CalEMA	8/3/2010	Emergency Management is viewed in four phases, of which preparedness is only one. The phases are Mitigation, Preparedness, Response, and Recovery. "Appropriate land use" and "investments in flood protection" are both mitigation activities. Developing an emergency response plan for the Delta is a nonstructural preparedness activity.	This comment will be considered for preparation of the Delta Plan and EIR.
CalEMA	8/3/2010	Under the Emergency Services Act, Cal EMA is the primary lead for all response activities relating to disasters and emergencies. While DWR is the lead agency for flood fighting operations in the Delta, Cal EMA will coordinate the overall response to a catastrophic levee failure that will include, besides the flood fight; alert and warning, water and airborne rescues, evacuations, and sheltering operations.	This comment will be considered for preparation of the Delta Plan and EIR.
CalEMA	8/3/2010	Regarding the development of an emergency response plan for the Delta there are currently five (5) different efforts of which Cal EMA is aware. While all these efforts have the similar task of developing emergency plans for the Delta; they all have different approaches, different agendas and different leadership. o Delta Stewardship Council o Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force (SB27) o USACE's Central Valley Project o DWR's Central Valley Flood Protection Program o Delta Vision Strategic Plan	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 12 Comments Related to Risk Reduction

Association	Date	Comment	Status of Comment
CalEMA	8/3/2010	The Sacramento-San Joaquin Delta Emergency Preparedness Act of2008 (SB27) requires the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force to make recommendations on the development of a draft emergency preparedness and response strategy for the Delta Region, and to develop and conduct an all-hazard emergency response exercise in the delta. The task force is required to submit a report with its strategy and recommendations to the Legislature and the Govemor prior to January I, 2011. This task force is led by Cal EMA.	This comment will be considered for preparation of the Delta Plan and EIR.
Contra Costa County Department of Conservation & Development	8/24/2010	The major flaw in the Council's public process for the Interim Plan is its limited transparency and openness. The issue of transparency and openness was covered well by the Interim Plan's description of the Council's decision process for use of best available science...These principles were not followed by the Council in its review of many of the comments on the Interim Plan. An example of the lack of transparency and openness can be found in how the Interim Plan addresses levees...For Section 1, text was suggested to enhance discussion in the background section of the Interim Plan on the role Delta channels/levees serve as vital infrastructure to get surplus water from the North Delta to the export pumps in the South Delta;	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 12 Comments Related to Risk Reduction

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	The major flaw in the Council's public process for the Interim Plan is its limited transparency and openness. The issue of transparency and openness was covered well by the Interim Plan's description of the Council's decision process for use of best available science...These principles were not followed by the Council in its review of many of the comments on the Interim Plan. An example of the lack of transparency and openness can be found in how the Interim Plan addresses levees...For Section 4, a detailed early action was provided for the Council to request that the Department of Water Resources (DWR) identify near-term levee improvements essential to the operation of the SWP and the CVP and that can be funded by Proposition 1 E revenue. A detailed early action was also provided for the Council to develop recommendations to improve the process by which DWR administers the Delta Levees Subventions and Special Projects Programs, which are the primary source of state aid available for non-project levees in the Delta;	This comment will be considered for preparation of the Delta Plan and EIR.
Contra Costa County Department of Conservation & Development	8/24/2010	The major flaw in the Council's public process for the Interim Plan is its limited transparency and openness. The issue of transparency and openness was covered well by the Interim Plan's description of the Council's decision process for use of best available science...These principles were not followed by the Council in its review of many of the comments on the Interim Plan. An example of the lack of transparency and openness can be found in how the Interim Plan addresses levees...Section 5 provides a map and table of current levee system integrity to be used as an analytical tool for organizing information that will be used as the basis for future Council actions concerning levees. Text was provided to highlight the need for a levee class suitable for levees that support through-Delta conveyance.	This comment will be considered for preparation of the Delta Plan and EIR.

Matrix 12 Comments Related to Risk Reduction

Association	Date	Comment	Status of Comment
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...The Interim Plan does not need to specifically acknowledge the role Delta channels/levees serve as vital infrastructure to get surplus water from the North Delta to exports pumps in the South Delta?	The sentence was modified in the Final Interim Plan.
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...No early action is necessary to require DWR to identify near term levee improvements essential for water supplies that can be funded by currently available Proposition 1 E revenue?	The Early Actions process was established to address issues that may require consideration prior to completion of the Delta Plan.
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...The Proposition 1 E resources being directed to the Delta Levee Subventions and Special Projects Programs are being used in a reasonably timely, efficient, effective and strategic way?	As described on page 42 of the Final Interim Plan, more detailed information related to uses protected by levees will be prepared for the Delta Plan.
Contra Costa County Department of Conservation & Development	8/24/2010	What are commentators on the Interim Plan to conclude from the Final Draft concerning these levee issues?...There are existing levee classifications suitable for levees that support through-Delta conveyance so there is no need to develop a separate levee class for this function?	As described in Appendix B of the Final Interim Plan, the Delta Stewardship Council will consider potential early actions throughout the preparation of the Delta Plan. One of those early actions could include consideration for levee improvements that support many uses including water supplies.
East Bay Municipal Utility District	8/24/2010	The addition of emergency preparation and Delta levee programs administered by the Department of Water Resources is a key improvement. The Council's support in this area is appreciated, including support for the Delta Levees Subvention Program and Special Projects Program (pg. 41). As you move forward with preparing the Delta Plan, we again recommend that you consider comprehensive risk analysis as one tool to help formulate a long term levee investment strategy in the Delta Plan.	As described on page 42 of the Final Interim Plan, more detailed information related to uses protected by levees will be prepared for the Delta Plan.
East Bay Municipal Utility District	8/24/2010	As you move forward with preparing the Delta Plan, we again recommend that you consider comprehensive risk analysis as one tool to help formulate a long term levee investment strategy in the Delta Plan.	This comment will be considered for preparation of the Delta Plan and EIR

Matrix 12 Comments Related to Risk Reduction

Association	Date	Comment	Status of Comment
San Joaquin County	8/23/2010	The Final Draft Interim Plan references separate planning processes currently developing specific recommendations for improving emergency response in the Delta. In this area of concern, the Interim Plan only makes one specific recommendation to stockpile flood fight materials. It should be noted that San Joaquin County has forwarded, in writing, several specific concerns and recommendations for improving emergency response and public safety in the Delta to both those referenced planning processes and to the Delta Stewardship Council. San Joaquin urges the DSC to ensure that these specific recommendations are either addressed in those separate planning processes or within the Final DSC Plan. San Joaquin County would want an opportunity to review, and comment on, specific implementation plans for any emergency response recommendations that the DSC endorses prior to their final adoption.	As described on page 42 of the Final Interim Plan, more detailed information related to uses protected by levees will be prepared for the Delta Plan.