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Via Email to: kelly.souza@deltacouncil.ca.gov

MS. KELLY SOUZA
Delta Stewardship Council
Sacramento, CA

Re: Public Comment (Unique)
To Delta Independent Science Board, April 2, 2015 Report
"Fishes and Flows in the Sacramento-San Joaquin Delta: Strategic
Science Needs

Dear Ms. Souza:

This letter is a set of unique and discrete public comments to the Delta Stewardship Council's April 2, 2015 Delta Independent Science Board's Report titled "Fishes and Flows in the Sacramento-San Joaquin Delta: Strategic Science Needs" (the "**Report**").

1. No Consideration Given in the Report to the Statutory Mandate re Delta Values. On page 6, lines 214 – 216 the Report quotes only *one-half* of the core mandate proscribed by California Law. Omitted from the statutory quote is the other portion of Water Code § 85054 which states:

The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

Chapter 5 of the Delta Plan validates the fact that the above-quoted second sentence of Section 85054 is not Legislative surplusage, nor is the mandate throw-away language to be disregarded. Under all rules of statutory interpretation, the above-

quoted language lives at the core of the mandates placed on the Delta Stewardship Council, and if turn on the Delta Independent Science Board.

Additional to the omission noted above, nowhere in the Report is there any consideration or any kind of analysis of the above-referenced mandate.

Whether the omission of the second half of the Section 85054 mandate, and the failure of the Report to consider or analyze the section in any portion of the Report, are intentional or otherwise, its omission and failure to consider and analyze the commands in Section 85054 nonetheless creates a void in the Report, and are fatal flaws.

2. Unaccounted Water; Erroneous Water Flow Data. Fundamental to the entire Report and every component of the Report is the assemblage and use of accurate water flow numbers. Over time independent proof of that the numbers posted by the California Department of Water Resources (CDEC website) do not fully account for water into, and out of, the Delta. For example, in the 2006 to 2010 time frame 23,312 TAF (thousand acre feet) of water was unaccounted for in DWR calculations. At the time of the analysis, this water had a value of \$3,646,800,000. (See, http://www.snugharbor.net/images-2014/bdcp/flows/unaccounted_diversions.pdf.)

When these issues were brought to the attention of DWR the numbers were changes, twice. On March 19, 2014 without explanation and without acknowledgement to the public for bringing errors to its attention, DWR changed its numbers, but still showed thousands of TAF missing. (See, <http://snugharbor.net/images-2014/news/unaccountedwater-update.jpg>.)

An additional flow data problem exists in the gaps in the raw data reported by CDEC. (See, http://snugharbor.net/dwr_reporting_of_inflow_and_outf.html.)

How can a system be managed, much less made the subject of meaningful scientific study, if the basic flows, using simple macro analysis, are not in order? The answer is, no science can proceed in any meaningful sense as proposed in the Report without first obtaining an accurate understanding of the water flows in the Delta.

3. Request to Show Where These Comments are Considered. As you know the statute requires consideration of public comments. Request is made in the regard as follows:

a. Redline Report. In order to assist the public in understanding where changes

are made to the Report in its next iteration, a redline version, easily available in all major commercially available word processing programs, is suggested for issuance alongside the clean revised version. Using a redline to show changes is, and has been for over 20 years, common on commercial and business applications.

b. Matrix of Comments and Related Changes (or Not). In order to further assist the public in understanding where changes have been made, to aid in transparency and accountability, and to increase public trust in the process of preparing a final Report, a matrix, table and/or chart using a simple two-dimensional presentation showing comments and where changes were made, or not, in response to consideration of those comments would be very helpful.

Thank you for your consideration and attention to the above describe and unique comments. Please contact me with any questions or call me on my cell phone at (916) 204-9097.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Pruner', with a stylized flourish at the end.

Mark Pruner