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DELTA STEWARDSHIP COUNCIL

A California State Agency

October 16, 2015

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Dr. Bruce Herbold
3779 25th Street
San Francisco, CA 94110
bherbold@gmail.com

Executive Officer
Jessica R. Pearson

RE: Request for Additional Scientific Information on Impacts of Single-Year Water Transfers

Dear Dr. Herbold:

I want to thank you for participating in the Delta Stewardship Council's panel discussion on single-year water transfers on September 24, 2015. Our goal was to present the Council with scientific based information on the potential impacts of single-year water transfers on the state's coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. As part of this effort, it was important for the Council to hear from and engage with experts who understand how single-year water transfers affect Delta inflows and outflows, and how these changes in flow could impact the Delta ecosystem. We appreciated your participation and presentation as an expert on Delta fisheries.

As you may know, 2009's Delta Reform Act (Act) that created the Council also granted the Council regulatory authority over a specific group of activities occurring in whole or in part in the Delta called covered actions (Water Code section 85057.5). When the Council adopted the Delta Plan in 2013, the Council determined that single-year transfers occurring before January 1, 2017 will not have a significant impact on California's coequal for the purpose of determining if an activity meets the definition of a covered action. Unless the Council takes action to amend the Delta Plan, water suppliers participating in a single-year water transfer that occurs on or after January 1, 2017 will have to determine if the water transfer has a significant impact on the coequal goals and if the transfer is a covered action. The question the Council is currently contemplating is, do single-year water transfers (that occur after January 1, 2017) have the potential to have a significant impact on the coequal goals and should the Council amend the Delta Plan to include these activities as potential covered actions?

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. 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."

- CA Water Code §85054

Dr. Bruce Herbold
October 16, 2015
Page 2

The Act requires that the Delta Plan be based on the best available scientific information (Water Code section 85308(a)). As such, it is important to add the information you presented on impacts of single year transfers to the administrative record the Council is preparing to support any action it may take regarding the impacts of single-year transfers. During your presentation you listed the impacts water transfers can have on fish including: water transfers occurring during periods of decreased flows and when fish populations are lower, less dispersed, and more at risk which could amplify any adverse impacts; changes in Delta operations can expose fisheries to higher risk by decreasing Delta outflow and moving the high salinity zone eastward from Suisun Bay and into the Delta; and water transfers can affect upstream flow patterns or temperatures, which can have an adverse impact on certain fish species. To allow us to fully document the information you provided for our administrative record, could you please provide us with citations from the specific studies and/or data that informed this portion of your presentation, and if applicable, could you point us to any additional studies or data that might be pertinent to the impacts of water transfers to the Delta?

There is some urgency in our request as the Council will be deliberating amending the Delta Plan with respect to single-year water transfers at the November 19-20 Council meeting. Any additional information that will be added to the administrative record should be presented to the Council as part of the meeting materials provided to the Council prior to the November meeting. I ask that if you have the requested information, please share it with us at your earliest convenience.

I want to thank you again for assisting the Council in better understanding the potential impacts of single-year water transfers on the coequal goals. If you have any questions or comments, please feel free to contact me directly, or you can contact my staff, Kevan Samsam, at (916) 445-5011 or ksamsam@deltacouncil.ca.gov.

Sincerely,



Cindy Messer
Deputy Executive Officer
Delta Stewardship Council