

LOCAL AGENCIES OF THE NORTH DELTA

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SENT VIA EMAIL (pmcomments@deltacouncil.ca.gov)

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

RE: Comments on Delta Plan Performance Measures

Dear Chairman Fiorini and Members of the Council:

The Local Agencies of the North Delta (“LAND”) has prepared the following summary comments on the Draft Delta Plan Performance Measures.¹ LAND has identified that the metrics provided in most cases are not sufficient to substantively capture the progress of the Delta Plan or support “informative and meaningful” performance measures. The clearest exception to this statement is *Ref #4.37, Landscape metrics to assess ecological functions*, which does provide scientifically supported metrics that relate to specific functions. Of course, that measure only looks at “marsh” associations and ignores terrestrial/upland/aquatic habitat associations and their species, such as raptors and cranes, sturgeon and smelt. Overall, the Performance Measures need a much more in-depth analysis and some substantive connection between the metrics and the policies they are intended to support.

The following comments relate to Measures that appear to require the most significant revision:

- I. *Ref #3.27 has been removed and elements of the Measure consolidated into #3.8. #3.27 previously supported making “progress in achieving existing water conservation and water supply performance goals, and setting expanded future goals for local, regional, and statewide water conservation, water use efficiency.”*

It does not appear that any of these Measure or metrics are carried forward into #3.28. Instead, #3.28 looks much more broadly at generalizations for average water use as a baseline, and simple reporting-out of those figures. The metrics are essentially valueless since they only look at volume and percent of water use and acre-feet per year, with a target of a declining trend. The natural variability of

¹ The metrics are available at: <http://deltacouncil.ca.gov/docs/delta-stewardship-council-december-17-2015-meeting-agenda-item-11-attachment-1-delta-plan>.

water availability from the Delta watershed, with high inter-annual variation, and the countervailing variable retention of water in the rim dams makes this sort of analysis at best a long-term trailing indicator.

These metrics need significant refinement and #3.27 should remain until its values are fully reflected in a meaningful way in #3.28.

II. *Ref# 3.31. Removed.*

This Measure calls back to #3.27 which has also been deleted. Please clarify.

III. *Ref# 3.33.*

This Measure is a welcome addition to the list, however, it should reflect geologic factors such as the loss of groundwater capacity after subsidence. For example, once a susceptible formation has settled, groundwater storage capacity is reduced. Those formations are higher risk that sand and gravel aquifers that can rapidly recharge with no loss of capacity.

IV. *Ref# 3.34.*

This new Measure fails to define any of the key metrics or their use. Water use efficiency has already been significantly improved in many areas for various crop types. There is no indication as to how will these existing improvements will be reflected. For example grape crops using drip or micro-sprinkler systems that are already installed cannot then yield significant reduction in water use.

Optimization of existing high efficiency systems should also be promoted, but these are likely to yield very small percentage improvements. The metrics also do not account for the increased water use efficiency that occurs when water is used close to the source, and returned back to its watershed of origin, such as water used in the Delta. Additionally, some crops may require more water, but also provide important habitat (e.g., alfalfa), which should be considered in the policy and the performance metrics.

V. *Ref# 4.31.*

This Measure focuses on the Yolo Bypass, which is an ancillary element to the in-Delta flows. In-Delta flows are flows within the channels of the Delta, not the artificially maintained and operated spills proposed for the Yolo Bypass. These flows would at spill levels below the Fremont Weir Crest come at significant ecological cost to the fisheries and the relict floodplains of the Delta through the diversion of Sacramento River water, in particular since it objectively removes flow from the Sacramento River system, and releases methylmercury. While inundating the Bypass more frequently has obvious ecological benefits as well,

these have to be analyzed further and not slipped into the Delta Plan performance Measures as if the metric was universally beneficial.

VI. *Ref# 5.26.*

The metrics appear to rely entirely on the CEQA process carried by others and not any objective element of the Delta Plan and the Delta Reform Act. Generally, CEQA/ESA already mandate the lessening of environmental impacts through avoidance, minimization and mitigation. The prior policy language was significantly better as it addressed critical local issues in the Delta as a result of Plan implementation. It is not clear how CEQA determinations of significance by other lead agencies is any indication of meeting the stated policy, or the underlying statutory requirements. Additionally, to the extent CEQA determinations are relevant, effectiveness monitoring and a mechanism to track mitigation measure failures needs to be added to these metrics. One of the failures we often see in the CEQA process is the development of good mitigation measures that are never carried out.

Moreover, significance determinations under CEQA (largely based on the CEQA Guidelines Appendix G Environmental Checklist) was not necessarily developed for the purpose of examining the minimization of conflicts with adjoining land uses, or other impacts that would properly be considered in the context of implementing the Delta Plan.

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Thank you for considering these comments. Please contact me or Erik Ringelberg at (916) 893-9293, extension 112 or eringelberg@bskassociates.com with any questions.

Very Truly Yours,

By: 
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