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September 26, 2016

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

Via Electronic Submission

Regarding: Delta Stewardship Council September 29-30, 2016 Meeting Agenda Item 10; Single-Year Water Transfers

Dear Chair Fiorini,

As I will be out of town on September 29 and 30, 2016, and unable to attend the Delta Stewardship Council (DSC) meeting, I wish to express our support for the proposed amendment of existing Regulation 23 C.C.R. §5001(dd)(3) by eliminating the “sunset date” for the determination regarding single-year water transfers, and support the proposed amendments to Delta Plan Water Reliability recommendation 15 (“WR R15”).

Subsection 5001(dd)(3) of the Delta Plan Regulations (“Subsection 5001(dd)(3)”) contains the Council’s determination that single-year water transfers occurring on or before December 31, 2016 do not have a significant impact on achievement of the coequal goals, and therefore do not fit the statutory definition of “covered action” in Water Code section 85057.5. Accordingly, through December 31, 2016, single-year water transfers are not required to file a certification of consistency with the Delta Plan, because that requirement only applies to covered actions. Without the proposed amendments, single-year water transfers occurring after the December 31, 2016 sunset date would be subject to the requirement to certify consistency with the Delta Plan provided that they meet all the statutory criteria for a covered action.

At the December 17, 2015, DSC meeting, I attended the meeting and commended staff on their research of this important issue and felt the analysis was well done and their conclusion appropriate.

At this time, I respectfully request your consideration and approval of staff’s recommendation on Agenda Item No. 10, and eliminate the sunset date for the determination regarding single-year water transfers and adopt the proposed amendments to Delta Plan Water Reliability recommendation 15 (“WR R15”)

Thank you for your leadership on these important aspects of long term water management for this region and California. If you have questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JKingsbury', with a long, sweeping underline.

John Kingsbury, Executive Director
Mountain Counties Water Resources Association

c: Dan Ray, Chief Deputy Executive Officer, Delta Stewardship Council
Board of Directors, Mountain Counties Water Resources Association