June 26, 2018

O’Laughlin & Paris LLP
Patrick Lewis
2617 K Street, Suite 100
Sacramento, CA 95816

Dear Mr. Lewis –

Thank you for your letter on behalf of the San Joaquin Tributaries Authority commenting on a draft version of a report funded by the Delta Stewardship Council. The report, entitled *Drought and the Sacramento-San Joaquin Delta, 2012-2016: Synthesis Review and Lessons*, is intended to discuss the implications of science for management decision-making, a need that has been identified by many in the Delta and was included as a recommendation in the High Impact Science Actions document endorsed by the Delta Plan Interagency Implementation Committee.

The draft version of the manuscript has not been reviewed or approved by the Council itself; instead, as is standard practice for scientific papers, and consistent with Delta Science Program’s commitment to using peer review, it is currently undergoing review by subject matter experts in the natural and social sciences. The manuscript was submitted to *San Francisco Estuary and Watershed Science*, one of the many journals managed by eScholarship, a publishing house that offers a comprehensive open access publishing program for journals, monographs, conference proceedings, and other University of California-affiliated original scholarships, including a full editorial and peer review system.

We hope you will join us in supporting the peer review process, giving the co-authors the opportunity to respond to and incorporate review comments that will result in a scientifically sound publication. Should you still have concerns after that process runs its course, we would be happy to discuss them further.

Sincerely,

Jessica R. Pearson, Executive Officer

John Callaway, Delta Lead Scientist

"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
June 15, 2018

Via Email and U.S. Mail

Randy Fiorini, Chair
Delta Stewardship Council
980 Ninth Street
Suite 1500
Sacramento, CA 95814
Email: Randall.Fiorini@deltacouncil.ca.gov

Susan Tatayon, Vice-Chair
Delta Stewardship Council
980 Ninth Street
Suite 1500
Sacramento, CA 95814
Email: Susan.Tatayon@deltacouncil.ca.gov

Hon. Frank C. Damrell, Jr.
Delta Stewardship Council
980 Ninth Street
Suite 1500
Sacramento, CA 95814
Email: Frank.Damrell@deltacouncil.ca.gov

Michael A. Gatto
Delta Stewardship Council
980 Ninth Street
Suite 1500
Sacramento, CA 95814
Email: Michael.Gatto@deltacouncil.ca.gov

Maria Mehranian
Delta Stewardship Council
980 Ninth Street
Suite 1500
Sacramento, CA 95814
Email: Maria.Mehranian@deltacouncil.ca.gov

Skip Thomson
Delta Stewardship Council
980 Ninth Street
Suite 1500
Sacramento, CA 95814
Email: Skip.Thomson@deltacouncil.ca.gov

Ken Weinberg
Delta Stewardship Council
980 Ninth Street
Suite 1500
Sacramento, CA 95814
Email: Kenneth.Weinberg@deltacouncil.ca.gov

Jessica Pearson, Executive Officer
Delta Stewardship Council
980 Ninth Street
Suite 1500
Sacramento, CA 95814
Email: jpearson@deltacouncil.ca.gov

Re: San Joaquin Tributaries Authority – Comments Regarding Drought and the Sacramento-San Joaquin Delta, 2012-2016: Synthesis Review and Lessons

Dear Council Members:

Recently, the Delta Stewardship Council (“DSC”) through the Delta Science Program, and in coordination with the University of California Davis Center for Watershed Sciences, finalized a synthesis report titled *Drought and the Sacramento-San Joaquin Delta, 2012-2016: Synthesis Review and Lessons* (hereinafter “the Report”). The Report reviews management decisions and actions taken between 2012 and 2016 in response to drought conditions in California and purports to highlight the

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2617 K Street, Suite 100
Sacramento, California 95816
(916) 993-3962
(916) 264-2040-fax

117 Meyers Street, Suite 110
Chico, California 95928
(530) 899-9755
(530) 899-1367-fax

Mailing Address:
2617 K Street, Suite 100
Sacramento, California 95816
science used to inform those decisions and determine the effects of the actions taken. At the March 22, 2018, Delta Stewardship Council meeting, the Council was provided with an overview of the Report and was informed the Report had been submitted to a scientific journal for potential publication in Fall 2018.

The Report was not included as part of the March 22, 2018, meeting materials, nor has the DSC made the Report available to the public. Only a brief Executive Summary of the Report has been made available to the public as part of the March 22, 2018, Council meeting materials.

On April 24, 2018, the San Joaquin Tributaries Authority ("SJTA") sent a Public Records Act Request to the DSC, requesting a copy of the full Report be provided to the SJTA. Pursuant to the Public Records Act, the DSC provided the SJTA with the Report on April 30, 2018. The SJTA supports the Council’s efforts to develop water management information to improve ecosystem and water resource management practices in the Delta. However, after reviewing the Report, the SJTA has concerns regarding the public policy-focused nature of the Report and its absence of scientific actions to respond to future droughts. The SJTA submits the following comments with regard to the Report.

The Report is not a scientific report, but rather an editorial that recommends numerous policy positions related to the regulatory structure of statewide water management. Yet, the DSC Staff stated the Report provides “science actions to better prepare and respond to drought.” (Council Meeting Supporting Materials (March 2018) Agenda Item 9, at p. 1.) This is not the case. The Report merely provides policy statements involving changes to the “regulated and structural rigidities” of statewide water management and recommendations to improve “the approach to Delta science and drought”. (Report, at p. 21.) The Merriam-Webster dictionary defines science as, “knowledge or a system of knowledge covering general truths or the operation of general laws especially as obtained and tested through scientific method.” (Merriam-Webster, Merriam-Webster.com. n.d. Web. June 2018 [emphasis added].) The Report contains no scientific studies performed by the authors to inform the recommendations and proposes no specific scientific actions to better prepare and respond to drought.

Moreover, the recommendation that addresses improved and expanded scientific work in the Delta simply concludes “[s]cience should better prepare for the general variability and intermittency of the Delta’s hydrology and ecosystem.” (Report, at p. 23.) During the March 22, 2018, Council meeting, Dr. John Durand, the Report’s lead author, was asked by the Council whether the Report addressed scientific actions related to hydropower, infrastructure, and system operations. These questions went unanswered. Instead, Dr. Durand repeatedly expanded on the need for more funding and the creation of a Delta drought plan. These are policy statements, not science.

The Report can only be described as a set of recommendations in furtherance of numerous policy statements. A policy statement is a document outlining the ways in which an organization intends to conduct its affairs and act in specific circumstances. (BD, BusinessDictionary.com. n.d. Web. June 2018.) A review of the Report’s key lessons and recommendations uncover no new science used to promote a way forward for preparing for drought in the Delta. Rather, these sections outline the
ways in which agencies should conduct its affairs and act (e.g. develop a drought plan, capture institutional knowledge, allocate ecosystem water, etc.) in a specific circumstance: Drought.

In light of the concerns expressed above, the SJTA respectfully makes the following requests:

1. As the Report is not a scientific report, the SJTA requests that the Council stop the peer review process and withdraw the Report from consideration for publication in a scientific journal.

2. If the Council desires to release the Report to the public as a DSC policy statement and position, the SJTA requests that the Council go through the administrative process and allow for public review, comment, and involvement prior to the Council considering the Report for adoption.

The SJTA thanks you for your time and consideration regarding this matter and we look forward to hearing from you.

Very truly yours,

O’Laughlin & Paris LLP

Patrick D. Lewis
PDL/Ilw

cc: San Joaquin Tributaries Authority