



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Keith Caldwell
Chairman

January 31, 2012

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814
Attn: Terry Macaulay

 **COPY**

(transmitted via e-mail: eircomments@deltacouncil.ca.gov and mail)

RE: Comments on the Draft Delta Plan Environmental Impact Report (DEIR)

Dear Chairman Isenberg and Members of the Council

On behalf of Napa County, I would like to thank you for the opportunity to provide comments on the Draft Delta Plan Environmental Impact Report (DEIR). We hope that the Delta Stewardship Council and staff find our comments constructive in your effort to develop a Delta Plan for the Sacramento-San Joaquin Delta and Suisun Marsh

Achieving the Delta Plan's co-equal goals of providing a more reliable water supply for California while protecting, restoring and enhancing the Delta ecosystem is certainly a daunting task, and one that the Fifth Staff Draft Delta Plan (Proposed Project) has gone a long way towards achieving. However, after review of the DEIR and the Proposed Project we find that there are a number of questions that appear to remain unanswered, and would request your consideration of the following comments:

- Please define what it means to achieve the co-equal goals. The Final EIR should provide the quantitative analysis necessary to adequately evaluate the Proposed Project and the Alternative Projects. At present, the DEIR states that the Proposed Project is "the Environmentally Superior Alternative" but it does not contain the quantitative analysis necessary to adequately analyze if, and how, the Proposed Project will meet the co-equal goals. Similarly, the DEIR states that the Alternative Projects will not achieve the co-equal goals, but it does not contain the quantitative analysis necessary to adequately evaluate why the Alternative Projects will not meet the co-equal goals.

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Keith Caldwell
District 5

- The Proposed Project/DEIR lacks adequate specificity as to what is or is not a “covered action.” The Final EIR should clarify what is subject to the DSC consistency review authority as well as what is not subject to the DSCs consistency review authority, such as water projects upstream of the Delta.
- The Proposed Project/DEIR governance structure in which the DSC seeks to exert regulatory authority appears to be contrary to the intent of the Delta Reform Act and should be reconsidered.
- The emphasis in the Proposed Project/DEIR on “flows” as the primary tool to address the ecosystem, as opposed to the utilization of a combination of management tools to address multiple stressors, does not appear to be consistent with the co-equal goals and should be reconsidered.
- The Proposed Project/DEIR regulations (WR P1 and WR P2-Reliable Water Supply) impacting local water management decisions, including the transfer of water, should be deleted and/or revised.
- The Proposed Project/DEIR recommendations (WR R5-Reliable Water Supply) and regulations (ER P1-Delta Ecosystem Restoration) that are inconsistent with existing law relating to water right priorities and area-of-origin should be deleted and/or revised.

Thank you again for consideration of our comments on the Draft Delta Plan Program Environmental Impact Report (DEIR). If you have any questions or need additional information, please do not hesitate to contact Patrick Lowe, Deputy Planning Director at (707) 259-5937, or Phil Miller, Deputy Director-Public Works, at (707) 259-8620, on our staff.

Sincerely,



Keith Caldwell,
Chair