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February 1, 2012

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

Dear Chairman Isenberg and Members of the Council:

Subject: Comments on the Delta Plan Draft Program Environmental Impact Report

On behalf of the Los Angeles Department of Water and Power (LADWP), thank you for this opportunity to comment on the Delta Plan Draft Program Environmental Impact Report (Draft EIR) and the fifth draft of the Delta Plan. This letter reiterates and expands upon comments made by LADWP staff at the January 12, 2012 field hearing held at the Pasadena Public Library and in our letter dated September 29, 2011.

The LADWP is the largest municipal utility in the nation and is committed to delivering safe and reliable water to over 600,000 customers. On average, LADWP purchases over 50 percent of its water supply from the Metropolitan Water District of Southern California, which is a State Water Project (SWP) Contractor. As such, the City of Los Angeles (City) has a vested interest in the timely achievement of the co-equal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the ecosystem of the Sacramento-San Joaquin Delta (Delta).

In 2009, the City and LADWP supported the landmark Comprehensive Water Package, including the Delta Reform Act and the establishment of the co-equal goals for the Delta. While LADWP appreciates the on-going work of the Delta Stewardship Council (Council), we have concerns that some approaches and recommendations outlined in the Draft EIR and fifth draft Delta Plan will detract from or delay the achievement of these goals, as discussed below.

#### Draft EIR Comments

- The Draft EIR states that the proposed project will result in reduced Delta water supplies compared to the status quo or "no project" alternative. However, the impacts of this water supply reduction are not clearly addressed. The Draft EIR appears to assume that a supply reduction would be offset by the encouragement of local and regional reliability programs and projects. It is not clear how this "encouragement" will definitively lead to implemented programs and projects to offset lost supply from the Delta within the necessary timeframe.

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The LADWP continues to do its part by developing sustainable, local supplies of water to meet all of our future water demand. However, the City continues to rely on water supplies provided via the Delta and SWP. A loss or reduction of this base supply would have significant impacts to our region that are not currently addressed in the Draft EIR.

- The Legislature required Delta Plan implementation to work towards the achievement of the co-equal goals of ecosystem restoration and increased water supply reliability. However, the Draft EIR does not address how the stated alternatives would or would not achieve the co-equal goals. This is a significant omission, leaving the LADWP, other interested stakeholders, and the Council itself without the information to determine if the proposed project can meet its legislatively-driven objectives.

#### Fifth Draft Delta Plan Comments

- LADWP continues to support the Bay Delta Conservation Plan (BDCP) as the appropriate mechanism for the identification and approval of Delta ecosystem restoration actions and conveyance improvements. However, the fifth draft of the Delta Plan does not clearly and unambiguously support a key objective of the BDCP, specifically the recovery of water supplies lost as a result of Delta regulatory restrictions. LADWP believes that this is vital to achieving the co-equal goals for the Delta.
- The timely and cost-efficient implementation of the BDCP is also critical to success. LADWP believes that the fifth draft Delta Plan's proposal, which would require each significant future BDCP action to undergo additional review by the Council, as unnecessary, time consuming, and potentially costly. LADWP believes that Council review of the entire BDCP is the more efficient and expedient approach to make a final decision on its consistency with the Delta Plan.
- We are also concerned about the Water Reliability Element of the draft Plan that appears to impose additional requirements on water suppliers that receive water from the Delta. LADWP supports the Council's efforts to promote regional self-reliance, but is concerned that the plan takes a regulatory approach that could result in the Council second-guessing local water management decisions. Maintaining local control of water management decisions in order to meet the unique needs of individual communities is vitally important to water agencies across the State. As such, LADWP believes the Council should focus its energies on coordinating the many local, state and federal efforts in the Delta. Focusing Council efforts on Delta-specific issues will help ensure that the co-equal goals will be achieved as effectively and expediently as possible.

Delta Stewardship Council

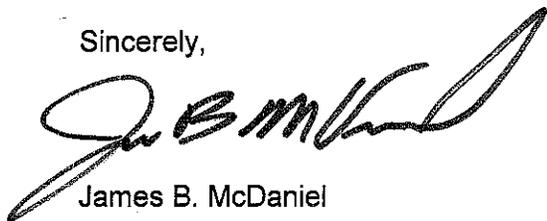
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Once again, we thank you for the opportunity to comment on the Draft EIR and the fifth draft of the Delta Plan. Given the significant changes that are needed in the Delta Plan, we encourage the Council to also release a new, amended Draft EIR that reviews these changes. LADWP very much appreciates the work of the Council and staff to get the Delta Plan process to this critical stage. We hope to be an enthusiastic supporter of the final product.

If you have any questions, please contact Mr. David R. Pettijohn, Manager of Water Resources, at (213) 367-0899.

Sincerely,

A handwritten signature in black ink, appearing to read "James B. McDaniel". The signature is fluid and cursive, with a large initial "J" and "M".

James B. McDaniel

Senior Assistant General Manager – Water System

DRP:kao/ms

c: Mr. David R. Pettijohn