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January 28, 2011

Ms. Terry Macaulay  
Deputy Executive Director  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Sent via e-mail: [deltaplanscoping@deltacouncil.ca.gov](mailto:deltaplanscoping@deltacouncil.ca.gov)

**Re: Scoping Comments on the Notice of preparation, Draft Environmental Impact Report for the Delta Plan**

Dear Ms. Macaulay:

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide scoping comments on the Delta Stewardship Council's (DSC) Notice of Preparation (NOP) for the Delta Plan Environmental Impact Report (EIR). ACWA represents approximately 450 public water agencies throughout the state. Our members provide about 90 percent of the water used for agricultural, residential, and commercial purposes throughout California. We have members north of the Delta, within the Delta and south of the Delta. Given the geographic magnitude of the proposed primary and secondary planning areas identified in the NOP, ACWA members throughout the state are likely to be affected by the final Delta Plan and EIR. ACWA anticipates submitting comments throughout the development of the EIR and Delta Plan. We appreciate of the Council's efforts to ensure that the public has an ongoing opportunity to provide input.

ACWA acknowledges the importance of the Delta Plan as part of the overall strategy to fulfill the co-equal goals of providing a reliable water supply for California while ensuring a sustainable Delta ecosystem – the foundational cornerstone of the 2009 Comprehensive Water Legislation.

ACWA recognizes that the effort to develop a comprehensive Delta Plan and EIR, especially in the timeframe allotted by the 2009 Comprehensive Water Legislation, is an extremely ambitious undertaking. It is crucial to recognize that

the plan will continue to evolve over the course of decades. Much is unknown today, and significant changes are likely to occur over the coming decades that will likely affect future decisionmaking. While the plan should identify actions that can be taken in the short term to advance the co-equal goals, it should also provide a viable mechanism to incorporate future knowledge into the development of actions that build upon previous successes. It is also important that the plan provide for coordination between state and federal agencies to ensure consistent and effective actions, while recognizing the statutory authorities and responsibilities of the various agencies.

With regards to the Notice of Preparation, we are concerned that the “project” to be analyzed and reported on in the EIR has not been clearly defined. Consequently, it is difficult to provide detailed scoping comments. While we recognize this is part of the evolving CEQA process, it is essential that the project be succinctly described early in the process so interested parties can provide valuable input. This should include a concise explanation of the geographic scope of the plan, including where the DSC anticipates proposing actions. This will require a clear statement as to the DSC’s authority. Obviously, such authority and plan scope need to be consistent with the 2009 Comprehensive Water Legislation.

The NOP is also unclear as to the role of the secondary planning area. On the one hand, the secondary planning area may be intended to serve as part of the base for analyzing the factors affecting the current conditions in the legally-defined Delta in the context of achieving the co-equal goals. On the other hand, the DSC may anticipate that it has authority with regards to actions that will take place in the secondary planning area which may influence conditions in the Delta. ACWA believes that the 2009 legislation clearly defines the DSC’s authority. With the exception of the development of statewide policies of general application we believe the legislation limits the scope of Delta Stewardship Council and consequently, the Delta Plan to actions within the legally-defined Delta.

In conclusion, ACWA believes the Delta Plan should undertake a comprehensive approach that evaluates all the relevant factors affecting the accomplishment of the co-equal goals in the Delta without overreaching so far as to fail to achieve the mission. Just as the co-equal goals cannot be addressed independent of one another, the Delta Plan cannot evaluate these factors in isolation. A successful Delta Plan will be one that evaluates the relationship between the factors, then proposes a range of alternatives that consider various combinations of actions that address interrelated factors, and analyzes the trade-offs between the alternatives in terms of advancing the co-equal goals.

ACWA looks forward to working with the Delta Stewardship Council and its staff as the Delta Plan and EIR continue to evolve over the next several months.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy H. Quinn", with a long, sweeping flourish extending to the right.

Timothy H. Quinn  
Executive Director