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July 2, 2010

Phil Isenberg, Chair
Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, CA. 94814

SUBJECT: First Draft – Delta Stewardship Council Interim Plan

Dear Chairman Isenberg and Council members:

The Association of California Water Agencies (ACWA) appreciates the opportunity to comment on the first draft of the Delta Stewardship Council's (Council) Interim Plan. ACWA concurs with the statement on page 8 of the draft Interim Plan that "[d]espite passage of federal and state Endangered Species Acts, ever-more-rigorous water quality laws, and state and federal environmental protection acts...the natural resources of the Delta are not effectively protected, nor are reliable supplies of water being provided for many who are dependent on exports through the Delta." We need a bold approach to reverse these trends – one that is comprehensive, and multi-jurisdictional, and addresses all the factors affecting the Delta ecosystem and water supply reliability in a coordinated manner. The Interim Plan is the first step toward advancing this new paradigm for resource management in the Delta – recognizing that maintaining a sustainable ecosystem in the Delta and a more reliable water supply are coequal goals which must be jointly addressed if we are to successfully resolve California's water crisis.

ACWA recognizes that the Legislature established an ambitious schedule for the Council when it passed SB X7 1. The legislation directs the Council to develop an Interim Plan that will remain in effect until the Council adopts the final Delta Plan (no later than January 1, 2012). Assuming the Council adopts an interim plan at its August meeting, we are talking about a 16-month timeframe. Given this short timeframe, ACWA strongly encourages the Council to focus its efforts on an interim plan that emphasizes "recommendations for early actions, projects, and programs." Water Code §85084. We believe that the Legislature clearly recognized the short life of the interim plan, and that the Legislature intended the Council to use the interim plan as an opportunity to put early actions into play to demonstrate success and provide valuable feedback as you proceed with the development of the Delta Plan. We encourage the Council to stay focused on this legislative intent. Early, visible successes under the interim plan are critical to establishing the long-term credibility of the Council.

To this end, we believe that the interim plan should focus on providing the guidance most essential to the development and adoption of early actions that advance the co-equal goals. The plan should also explore methods and metrics to measure successful advancement of the co-equal goals. This will be an extremely critical component of the final Delta Plan and the efforts of the Council.

While the background sections in the June 14, 2010 draft Interim Plan are quite comprehensive and very informative, we are concerned that such detailed information may, in fact, detract from the underlying purpose of the Interim Plan – advancing early actions, projects and programs. Every effort should be made to draft a succinct plan that provides specific guidance and information regarding the Council's priorities under the interim plan; the critical elements that should be considered and discussed in any proposal submitted to or taken up by the Council; the criteria Council and staff will consider when reviewing proposals for early actions; and how the Council will assess and report out on the actions implemented under the Interim Plan. The current draft plan lacks such specific guidance.

The Interim Plan needs to clearly state what it expects to accomplish under the Interim Plan. This should include advancing the coequal goals; implementing early actions, projects and programs to demonstrate success and provide feedback to assist the Council as it develops and implements the final Delta Plan; and developing metrics to measure how implementation has advanced the co-equal goals.

The Council may want to consider identifying some specific actions in the plan it deems to be priorities. Appendix II in the draft Interim Plan (June 14, 2010 version) may be a valuable resource to begin identifying specific early actions, projects and programs. This should reflect what the Council realistically believes it can act upon over the next 16 months. We recognize that many of these actions will likely continue under the final Delta Plan.

The Interim Plan should layout a process for soliciting, reviewing and adopting early actions. This should include the criteria that Council will consider when evaluating proposals. A good starting point for evaluation criteria may be the eight policy objectives set forth on page 6 of the draft Interim Plan (Water Code §85020). More specific criteria such as financial feasibility (e.g. funded or unfunded), project status (e.g. completion of environmental analysis), availability of agencies critical to action implementation, etc. may also be appropriate.

The Interim Plan should not waver from trying new ideas. The fact is what we have been doing in recent years is not moving us closer to accomplishing the coequal goals of improved water supply reliability and a restored ecosystem. The Interim Plan should encourage the implementation of actions such as real-time operations of the export projects based on scientific information about the location and status of protected species; mark select fisheries to reduce take of listed species by fishermen; predation control; management of wastewater discharges; and other actions that may have much greater favorable impacts on accomplishing the coequal goals than past actions.

The plan should identify and test mechanisms for evaluating and measuring implementation of the early actions in the context of achieving the coequal goals through adaptive decision making. This will be extremely critical for the Council as it implements the Delta Plan.

Finally, we believe that the Interim Plan should discuss how the Council will track and report out on the actions it has taken, and results and lessons it has learned. It may be desirable to consider an outside party who has prior experience in the area of tracking and reporting on multi-faceted, long-term programs, including evaluating implementation success.

In conclusion, ACWA encourages the Council to adopt an Interim Plan that guides the development and implementation of early actions, projects and programs, consistent with the co-equal goals. Such an approach will best meet the intent of the Legislature, and will provide invaluable insight as the Council develops and begins to implement the final Delta Plan.

We appreciate the opportunity to comment on the draft Interim Plan. If you have any questions regarding our comments, or would like to discuss our suggestions, please do not hesitate to give me a call at (916) 441-4545.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy H. Quinn", with a stylized flourish at the end.

Timothy H. Quinn
Executive Director