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July 12, 2011

Mr. Phil Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

RE: Delta Plan – 4th Draft

Dear Chairman Isenberg and Council Members:



The Delta Reform Act of 2009 (SB1X 1, Simitian) created a once in a generation opportunity to resolve California's water challenges through the coequal goals of "providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem." The Delta Stewardship Council's Delta Plan is a key facet of a comprehensive approach for a long term solution for the Delta.

We are pleased that the 4th draft of the Delta Plan is greatly improved from the previous drafts. The draft Delta Plan more clearly articulates the distinction between its enforceable policies within the Delta and its advisory role outside the Delta. Although projects, plans or programs in the Delta watershed are not subject to the Delta Plan as covered actions, the DSC recommendations and guidance provided through the Delta Plan will be given utmost consideration.

The role of water transfers in the Delta Plan is unclear. We understand that water transfers play an important part in meeting the water supply demands in some parts of California under specific circumstances. The draft Delta Plan (Chapter 4, page 64) includes a reference to water transfers as being a component of regional self-reliance and as part of achieving a reduced reliance on the Delta. Neither the recommendations nor the problem statement in this section describes how water transfers relate to regional self-reliance. The Delta Plan should clearly articulate how it envisions water transfers as being part of regional self-reliance or a means to reduce the reliance on the Delta. Secondly, water transfers are referenced in the section titled, "Expanded Statewide Water Storage and Improved Conveyance". (Chapter 4, page 66-69). Other than the inclusion of the Department of Water Resource definition of water

transfers, the section does not include a narrative, recommendations or policy regarding water transfers. In both instances, the inclusion of water transfers should either be removed or clarified.

The financing of the Delta Plan remains disconcerting. The proposed magnitude and source of funding does not reflect the economic realities facing California. Further, the DSC should not be granted greater or independent fee authority than any other public agency.

The emphasis on the need for increased storage is well articulated and consistent with the Delta Vision recommendations. The approach to avoid predetermining a specific Delta conveyance option until the Bay Delta Conservation Plan (BDCP) process is completed makes sense. The 2009 Delta Reform Act anticipates that the Delta Plan will be updated every five years to incorporate new information and changed circumstances such as those from the BDCP. The statutory required updating of the Delta Plan provides ample opportunity to address changed circumstances.

We again recommend that the Delta Plan include support for existing water rights statewide consistent with the 2009 Delta Reform Act. The Delta Plan must reference and acknowledge Water Code 85031, which states, "This division does not diminish, impair, or otherwise affect in any manner whatsoever any area of origin, watershed of origin, county of origin, or any other water rights protections, including, but not limited to, rights to water appropriated prior to December 19, 1914, provided under the law. This division does not limit or otherwise affect the application of Article 1.7 (commencing with Section 1215) of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and Sections 12200 to 12220, inclusive." We believe that honoring area of origin water rights is consistent with the regional sustainability component of the Delta Reform Act and a foundational element to California's water future.

The direction of the draft Delta Plan more closely follows the parameters of the 2009 Delta Reform Act and increases the likelihood of achieving the coequal goals. The Butte County Board of Supervisors is encouraged by the improvements to the draft Delta Plan and the direction taken by the Delta Stewardship Council.

Sincerely,

A handwritten signature in black ink that reads "Steve Lambert". The signature is written in a cursive, flowing style.

Steve Lambert, Chair
Butte County Board of Supervisor