



# CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

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August 25, 2011

Delta Stewardship Council  
980 Ninth St., Ste. 1500  
Sacramento, CA 95814

Re: August 2, 2011 Fifth Staff Draft Delta Plan

Dear Stewardship Council:

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 76,500 agricultural and associate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

The California Farm Bureau appreciates the opportunity to comment on yet another draft of the Stewardship Council's evolving Delta Plan. The present comments are offered in tabular form, attached hereto. Thank you once again for the opportunity to offer this input.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin E. Fredrickson'.

Justin E. Fredrickson  
Environmental Policy Analyst

JEF:pkh  
Attachment

NANCY N. McDONOUGH, GENERAL COUNSEL

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Chapter	Policy / Recommendation	Subject	Text As Appears in 5 <sup>th</sup> Staff Draft as of 8/2/11	Comment
4. A More Reliable Water Supply for California.	WR P1	Covered Actions, Water Reliability Element	<p>“A covered action to export water from, transfer water through, or use water in the Delta is inconsistent with the Delta Plan if the covered action negatively impacts one or more of the coequal goals and one or more of the water suppliers that receive water from the Delta significantly causes the need for the covered action by failing to comply with one or more of the following: [...]</p> <p>◆ Water Supply Reliability Element [...]</p> <p>• Evaluation of regional water balance: Provide an assessment of the long-term sustainability of the water supplies available to meet projected demands within the supplier’s hydrologic region, as defined by California Water Plan 2009 Update, over the 20-year planning period.<sup>5</sup> If the region’s demand exceeds available supplies identify the steps being taken through one or more of the Integrated Regional Water Management Plans to bring the region into long-term balance. If the region’s demands exceeds available supplies and it does not have an Integrated Regional Water Management Plan or the Plan does not address the steps being taken to bring the region into balance, then describe how these plans are helping to bring the region into long-term balance. If there are no Integrated Regional Water Management Plans, then describe how the supplier’s programs and projects are helping to bring the region into long-term balance.”</p>	<p>The requirement concerning “water supply reliability elements” and evaluations of the regional water balance in a UWMPs, AWMPs, and IRWMPs seems to presuppose that a "long-term balance," in terms of regional demand and the water available within a region, is necessarily achievable in all regions. In areas where this is not the case (including most of the southern half of the state) the only answers to the regional imbalance problem is to import water from elsewhere, make more efficient use of locally available supplies, and/or reduce regional demand.</p> <p>Since imported water from the Delta is, in some regions, a significant and irreplaceable component of these regions' water portfolios, to withhold Delta imports while simultaneously imposing a requirement of "long-term balance" potentially places these regions in an impossible bind—potentially, at great cost to the state’s economy and to communities within these regions. For example, reliable imported surface water supplies in some of these regions may be essential to reduce long-term depletion of local groundwater—yet the draft plan would erect additional barriers in the way of securing imported water supplies, while at the same time denying these regions the ability to close the gap in unmet demand by tapping regional aquifers during regulatory and natural droughts, when there is no other source available.</p> <p>To the extent some of these areas may never be expected to achieve total hydrologic independence from the Delta and other imported sources of water, meaningful <i>progress</i> toward over time toward <i>reduced</i> Delta reliance is a more proper criterion than absolute “regional self-sufficiency.” Beyond this, “regional</p>

				balance” and “long-term sustainability” can come only from more reliable deliveries of exportable surplus waters reaching the Delta (and integration with other available sources in areas south of the Delta).
4. A More Reliable Water Supply for California.	WR R5	Proposed Pre-Condition on Future Water Rights Changes	"The State Water Resources Control Board and/or the Department of Water Resources should require that proponents requesting a new point of diversion, place of use, or purpose of use that results in new or increased use of water from the Delta watershed should demonstrate that the project proponents have evaluated and implemented all other feasible water supply alternatives."	As worded, the proposed recommendation would require the proponent of a new point of diversion, place of use, or purpose of use <i>anywhere in the Delta watershed</i> to "have evaluated and implemented all other supply alternatives" as a prerequisite to approval of <i>any</i> such change. To adopt this recommendation would essentially impose a moratorium on <i>all</i> new diversions from the watershed. For obvious reasons (including, not least of all, the sheer practical impossibility of the proposal) Farm Bureau does <i>not</i> endorse this recommendation. Arguing the point, however, if the Delta Plan <i>were</i> to include such a recommendation, it would more logically relate to imported water supplies as opposed to in-basin water use, be conditioned on feasibility and cost-effectiveness, and allow concurrent implementation of appropriate actions (both regional and Delta-related) to meet the co-equal goals, without the absolute requirement of prior implementation of all regional and non-Delta-related options prior to <i>any</i> possible action in the Delta.
4. A More Reliable Water Supply for California	WR R8	Update of Bulletin 118, Statewide Evaluation of Groundwater Resources	“The Department of Water Resources, in collaboration with the Bureau of Reclamation, U.S. Geological Survey, the State Water Resources Control Board and other state, Federal, and local agencies, should update Bulletin 118 using field data, California Statewide Groundwater Monitoring Elevation Monitoring (CASGEM), groundwater agency reports, satellite imagery, and other best available science by December 31, 2014. This Bulletin update should include a systematic evaluation of	While there is certainly a place for comprehensive assessment of the state's groundwater resources, it is important to clarify that the determinations in a Bulletin 118 update, or any similar statewide survey-level document, could not properly be used to make legal assessments of the kind suggested.  Words like "overdraft and "sustainable yield" (i.e., "safe yield") are terms of art, and carry with them potential legal significance. The level of assessment possible in Bulletin 118—even with

			<p>the major groundwater basins to determine sustainable yield and overdraft status, an evaluation of California’s groundwater resources in 20 years if current groundwater management trends remain unchanged, the anticipated impacts of climate change on groundwater resources, and the recommendations for actions by state, Federal and local actions to improve groundwater management. In addition, the Bulletin update should identify groundwater basins in a critical condition of overdraft. This information should be available for inclusion in the Urban Water Management Plans and Agricultural Management Plans required to be submitted to the State by December 31, 2015.”</p>	<p>new "field data"—would be quite insufficient to support a factual or legal of the kind suggested. This function typically requires much more detailed, site-specific technical analysis and typically arises in a court-directed basin adjudication process requiring notice to all affected parties, consideration of existing water rights and relative priorities, extensive opportunities to present and contest evidence, formal fact finding, the opportunity for appeal, etc.</p> <p>There is a need for appropriate improvements in information on statewide groundwater use—but, in considering any such proposal, it is important that the State understand and recognize the basic limitations on such information from a legal perspective.</p>
<p>4. A More Reliable Water Supply for California</p>	<p>WR R10</p>	<p>Groundwater Basins in Critical Overdraft</p>	<p>“Local and regional agencies in groundwater basins that have been identified by the Department of Water Resources as being in a critical condition of overdraft should develop and implement a sustainable groundwater management plan, consistent with both the required and recommended components of local groundwater management plans identified by the Department of Water Resources (Bulletin 118, Update 2003), by December 31, 2014. If local or regional agencies fail to develop and implement these groundwater management plans, the State Water Resources Control Board should take action to determine if the continued overuse of a groundwater basin constitutes a violation of the State’s Constitution Article X, Section 2 prohibition on unreasonable use of water and whether a groundwater adjudication is needed to prevent the destruction of or irreparable injury to the quality of the groundwater, consistent with Water Code</p>	<p>Requiring local agencies to adopt a local groundwater plan that includes DWR's “required and recommended” components for such a plan does not in itself ensure "sustainable groundwater management." As commented elsewhere, the concept of “sustainable groundwater management” needs further definition and assessment as to whether it can be met and under what circumstances, what (if anything) occurs if it is not met, who (if anyone) makes this determination and has proper authority to enforce it, what can be done to remedy imbalances (and by whom), as well as the circumstances in which it might be appropriate to manage a basin for some different or possible modified management objective. Furthermore, it is not clear that gradual, partial, or periodic utilization of an underground water source to produce a public good, a saleable commodity including a foodstuff, or to meet other economic or beneficial uses is an activity that would necessarily constitute an “unreasonable use” of water, or necessarily be subject to the</p>

			Section sections 2100-2101.”	<p>SWRCB’s authority, even if it is does <i>not</i> meet a particular “sustainability” criterion.</p> <p>As to the meaning of terms like “sustainability,” “water supply reliability,” and “regional reliance” for purposes of the Delta Plan—and in the broader context of statewide policy on water generally—there is much work to do before these concepts can be more completely fleshed out or translated into some more practical concrete set of standards or objectives; and even more work before any such standards or objectives can be translated into a mosaic of actual, feasible regional solutions on the ground. Even as we are left to ponder and debate the precise meaning of such terms, however, the Legislature has at least given us some hints in both the 2009 Water Package and previously existing law, which may inform the Council final iterations of the 2012 Delta Plan and other statewide, regional, interregional projects and water management planning efforts:</p> <p>Water Code, § 10608. The Legislature finds and declares all of the following:</p> <ul style="list-style-type: none"><li>(a) Water is a public resource that the California Constitution protects against waste and unreasonable use.</li><li>(b) Growing population, climate change, and the need to protect and grow California's economy while protecting and restoring our fish and wildlife habitats make it essential that the state manage its water resources as efficiently as possible.</li><li>(c) Diverse regional water supply portfolios will increase water supply reliability and reduce dependence on the Delta.</li><li>(d) Reduced water use through conservation provides</li></ul>
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				<p>significant energy and environmental benefits, and can help protect water quality, improve streamflows, and reduce greenhouse gas emissions.</p> <p>Water Code, § 85004. The Legislature finds and declares all of the following:</p> <p>(a) The economies of major regions of the state depend on the ability to use water within the Delta watershed or to import water from the Delta watershed. More than two-thirds of the residents of the state and more than two million acres of highly productive farmland receive water exported from the Delta watershed.</p> <p>(b) Providing a more reliable water supply for the state involves implementation of water use efficiency and conservation projects, wastewater reclamation projects, desalination, and new and improved infrastructure, including water storage and Delta conveyance facilities.</p> <p>Water Code, § 85302.</p> <p>(d) The Delta Plan shall include measures to promote a more reliable water supply that address all of the following:</p> <p>(1) Meeting the needs for reasonable and beneficial uses of water.</p> <p>(2) Sustaining the economic vitality of the state.</p> <p>(3) Improving water quality to protect human health and the environment.</p> <p>85054. "Coequal goals" means the two goals of providing a</p>
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				<p>more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.</p> <p>85020. The policy of the State of California is to achieve the following objectives that the Legislature declares are inherent in the coequal goals for management of the Delta:</p> <ul style="list-style-type: none"><li>(a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.</li><li>(b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.</li><li>(c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.</li><li>(d) Promote statewide water conservation, water use efficiency, and sustainable water use.</li><li>(e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.</li><li>(f) Improve the water conveyance system and expand statewide water storage. [...]</li></ul> <p>85021. The policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional</p>
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				<p>coordination of local and regional water supply efforts.</p> <p>Water Code, § 10608.12. Unless the context otherwise requires, the following definitions govern the construction of this part: [...]</p> <p>(n) "Regional water resources management" means <i>sources of supply resulting from watershed-based planning for sustainable local water reliability or any of the following alternative sources of water:</i></p> <ul style="list-style-type: none"><li>(1) <i>The capture and reuse of stormwater or rainwater.</i></li><li>(2) <i>The use of recycled water.</i></li><li>(3) <i>The desalination of brackish groundwater.</i></li><li>(4) <i>The conjunctive use of surface water and groundwater in a manner that is consistent with the safe yield of the groundwater basin.</i></li></ul> <p>Water Code, § 10750. (a) The Legislature finds and declares that groundwater is a valuable natural resource in California, and should be managed to ensure both its safe production and its quality. It is the intent of the Legislature to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions.</p> <p>(b) The Legislature also finds and declares that additional study of groundwater resources is necessary to better understand how to manage groundwater effectively to ensure the safe production, quality, and proper storage of groundwater in this state.</p> <p>Water Code, § 10753.8. A groundwater management plan may include components relating to all of the following:</p>
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				<p>(a) The control of saline water intrusion.          (b) Identification and management of wellhead protection areas and recharge areas.          (c) Regulation of the migration of contaminated groundwater.          (d) The administration of a well abandonment and well destruction program.          (e) Mitigation of conditions of overdraft.          (f) Replenishment of groundwater extracted by water producers.          (g) Monitoring of groundwater levels and storage.          (h) Facilitating conjunctive use operations.          (i) Identification of well construction policies.          (j) The construction and operation by the local agency of groundwater contamination cleanup, recharge, storage, conservation, water recycling, and extraction projects.          (l) The review of land use plans and coordination with land use planning agencies to assess activities which create a reasonable risk of groundwater contamination.</p> <p>Water Code, § 10933. (a) On or before January 1, 2012, the department shall commence to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin and subbasin.          (b) The department shall prioritize groundwater basins and subbasins for the purpose of implementing this section. <i>In prioritizing the basins and subbasins, the department shall, to the extent data are available, consider all of the following:</i>          (1) <i>The population overlying the basin or subbasin.</i>          (2) <i>The rate of current and projected growth of the population overlying the basin or subbasin.</i>          (3) <i>The number of public supply wells that draw from the basin or</i></p>
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				<p><i>subbasin.</i></p> <p><i>(4) The total number of wells that draw from the basin or subbasin.</i></p> <p><i>(5) The irrigated acreage overlying the basin or subbasin.</i></p> <p><i>(6) The degree to which persons overlying the basin or subbasin rely on groundwater as their primary source of water.</i></p> <p><i>(7) Any documented impacts on the groundwater within the basin or subbasin, including overdraft, subsidence, saline intrusion, and other water quality degradation.</i></p> <p><i>(8) Any other information determined to be relevant by the department.</i></p> <p>Food &amp; Ag Code, § 802. The Legislature finds and declares the following:</p> <p>(a) Agriculture is the number one industry in California, which is the leading agricultural state in the country.</p> <p>(b) Although California's cultivated land accounts for approximately 3 percent of the country's entire supply of farmland, the state has historically produced about 10 percent of the farm cash receipts in the United States.</p> <p>(c) California leads the nation in the production of approximately 50 different crops and livestock products.</p> <p>(d) The diversity of the state's agriculture is truly impressive, for over 250 different commodities are grown here.</p> <p>(e) Family owned farms produce most of the food and fiber produced by the California agricultural industry.</p> <p>(f) The economic strength of the California's agricultural industry depends on farmers and ranchers being able to profitably market the commodities and products raised.</p> <p>(g) A profitable and healthy farming industry must be sustained by a sound natural resource base of soils, water, and air which is developed, conserved, and maintained to ensure</p>
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				<p>sufficient quantities and the highest optimum quality possible.</p> <p>Food &amp; Ag Code, § 821. As part of promoting and protecting the agricultural industry of the state and for the protection of public health, safety, and welfare, the Legislature shall provide for a continuing sound and healthy agriculture in California and shall encourage a productive and profitable agriculture. Major principles of the state's agricultural policy shall be all of the following:</p> <ul style="list-style-type: none"> <li>(a) To increase the sale of crops and livestock products produced by farmers, ranchers, and processors of food and fiber in this state.</li> <li>(b) To enhance the potential for domestic and international marketing of California agricultural products through fostering the creation of value additions to commodities and the development of new consumer products.</li> <li>(c) <i>To sustain the long-term productivity of the state's farms by conserving and protecting the soil, water, and air, which are agriculture's basic resources.</i></li> <li>(d) To maximize the ability of farmers, ranchers, and processors to learn about and adopt practices that will best enable them to achieve the policies stated in this section.</li> </ul> <p>Food &amp; Ag Code, § 822. The Legislature shall review actions taken in the implementation and furtherance of the state agricultural policy for their impact on the following factors:</p> <ul style="list-style-type: none"> <li>(a) <i>Productive agricultural land.</i></li> <li>(b) <i>Agricultural water supplies.</i></li> <li>(c) Agricultural energy resources, including, but not limited to, energy rates and rate structures.</li> <li>(d) Pest control, exclusion, detection, and eradication activities.</li> </ul>
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				<p>(e) Agricultural labor.                  (f) Agricultural production tools, including, but not limited to, fertilizers and implements of husbandry.                  (g) Marketing agricultural products in the domestic and foreign markets.                  (h) Agricultural research, education, and agricultural extension programs.                  (i) Agricultural transportation and distribution systems.                  (j) Agricultural financing.                  (k) Family owned farms.                  (l) Activities of county agricultural commissioners.                  (m) Agricultural exhibits at state-supported fairs.                  (n) Recycling agricultural byproducts.                  (o) Applied new technologies including, but not limited to, new food product and value-added product development.</p>
<p>4. A More Reliable Water Supply for California</p>	<p>5<sup>th</sup> Draft, pp. 97-99</p>	<p>Water Supply Reliability, Proposed Performance Measures</p>	<p><b>Administrative Performance Measures</b></p> <ul style="list-style-type: none"> <li>◆ Percentage of urban and agricultural water suppliers that have adopted and are implementing water supply planning, conservation, and efficiency measures required by State law, meeting the standards and deadlines established by code.</li> <li>◆ Percentage of urban and agricultural water suppliers that incorporated a Water Supply Reliability Element in their management plans by December 31, 2015. Goal: 100 percent by 2015. Goal: 100 percent by 2015.</li> <li>◆ Percentage of urban and agricultural water supplies that have adopted conservation-based water rate structures by December 31, 2020. Goal: 100 percent by 2020.</li> </ul>	<p>Farm Bureau appreciates the language on page 96 of the 5<sup>th</sup> Staff Draft, recognizing that “[d]evelopment of informative and sensitive performance measures is a challenging task,” “commonly [a] multiple-year endeavor[,],” and that the draft plan’s proposed performance measures, in their current form, are “provisional and subject to refinement as time and resources allow.”</p> <p>Regarding the suggested “Administrative Performance” relating to “[a]doption and implementation by SWRCB of Bay-Delta Water Quality Control Plan flow objectives by June 2, 2014, and development of flow criteria for the major tributary streams in the Delta watershed by June 2, 2018,” we suggest that this metric be removed from the “Water Reliability” chapter’s list of potential performance measures. A similar draft performance measure found on page 126 of the “Ecosystem Restoration” is</p>

		<ul style="list-style-type: none"> <li>◆ Adoption and implementation by SWRCB of Bay-Delta Water Quality Control Plan flow objectives by June 2, 2014, and development of flow criteria for the major tributary streams in the Delta watershed by June 2, 2018.</li> <li>◆ Completion by DWR of the BDCP by December 31, 2014.</li> <li>◆ Completion by DWR of the Surface Water Storage Investigation with recommendations for critical projects that need to be implemented to expand the State’s surface storage by December 31, 2012.</li> <li>◆ Completion by DWR of a survey with recommendations for projects that may be implemented within the next 5 to 10 years to expand existing surface and groundwater storage facilities, create new storage, improve Delta conveyance facilities, and improve opportunities for water transfers by December 31, 2012.</li> <li>◆ Completion by DWR of the update of Bulletin 118 (using field data, CASGEM, and best available science) and identification of the state’s groundwater basins that are in a critical condition of overdraft by December 31, 2014.</li> <li>◆ Percentage of water suppliers that have developed groundwater management plans that are consistent with the required and recommended components of groundwater management plans listed in DWR Bulletin 118-03. Goal: 100 percent by 2020.</li> </ul>	<p>the more proper place for this metric and should be retained, if at all, in that portion of the document.</p> <p>Alternately, the “flow objective” metric could be retained in the water reliability chapter of the document as well as the ecosystem restoration chapter (and used subsequently to gauge both adverse and any beneficial impacts of such flow criteria on statewide and regional water reliability); for parity’s sake, however, in this case, the ecosystem restoration chapter of the plan should incorporate the plan’s proposed water supply reliability performance measures relating to “[p]rogress toward increasing local and regional water supplies, measured by the amount of additional supplies made available (reported in 5-year increments from 2000),” “[p]rogress toward increasing the reliability of water supply exported from the Sacramento River or the San Joaquin watershed, measured by the amount of water made available relative to preceding years (reported in 5-year increments from 2000),” and “consideration of changes in State and federal regulatory standards, increased flexibility of system operations, and improved water management and coordination with other water systems.”</p> <p>Another observation relating to the water supply reliability chapter’s is that most of these indicators would appear to be well-suited to reflect positive movement toward greater reliability, but not <i>backward</i> movement in terms of unmet objectives, reduced reliability, economic and land use-related and socio-economic impacts, deteriorating water supply conditions, etc. Properly, a comprehensive set of performance measures should be capable of accurately capturing both negative and positive movement toward and away from the goal of improved water supply reliability.</p>
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		<ul style="list-style-type: none"> <li>◆ Percentage of groundwater basins identified by DWR as being in a critical condition of overdraft that have groundwater management plans consistent with the required and recommended components of groundwater management plans listed in DWR Bulletin 118-03. Goal: 100 percent by 2020.</li>   <li>◆ Activation by DWR of a statewide integrated water information database by January 2014.</li>   <li>◆ Percentage of SWP contracts and transfer agreements that require implementation of WR P1. Goal: 100 percent by 2020.</li>   <li><b>Driver Performance Measures</b></li>   <li>◆ Progress toward meeting the California’s conservation goal of achieving a 10 percent reduction in statewide urban per capita water usage by 2015 and a 20 percent reduction in statewide urban per capita water usage by 2020.</li>   <li>◆ Progress toward achieving California’s goal for the increased use of recycled water over 2002 levels by at least 1 MAF per year by 2020 and by at least 2 MAF per year by 2030.</li>   <li>◆ Progress toward achieving California’s goal for the increased use of stormwater runoff of at least 500,000 acre-feet per year by 2020 and by a least 1 MAF per year by 2030).</li> </ul>	
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			<ul style="list-style-type: none"> <li>◆ Progress toward completing substantial development and construction of new surface and groundwater storage and conveyance facilities by 2020, with the goal of completing all planned facilities by 2030.</li>   <li>◆ Progress in implementation of water conservation, water efficiency, and water supply improvement projects identified in local and regional Water Supply Reliability Elements and through the DWR survey by 2020 (measured by reported reductions in demand, increases in supplies, and by actual and projected reductions in reliance on water received from the Delta).</li>   <li>◆ Progress in securing and summarizing actual data on the status of the state’s water supplies, demands, water balances, and reduced reliance on the Delta in future California Water Plan Updates starting in 2014.</li>   <li>◆ Progress in reviewing existing water conservation, water efficiency, and water supply performance goals and setting expanded future goals for local, regional, and statewide water conservation, water use efficiency, and water supply development.</li> </ul> <p><b>Outcome Performance Measures</b></p> <ul style="list-style-type: none"> <li>◆ Progress toward increasing statewide urban and agricultural water efficiency, measured by the amount of water used in these sectors relative to preceding years (reported in 5-year increments starting from 2000).</li> </ul>	
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		<ul style="list-style-type: none"> <li>◆ Progress toward increasing local and regional water supplies, measured by the amount of additional supplies made available (reported in 5-year increments from 2000).</li>   <li>◆ Progress in each hydrologic region in reducing actual or projected reliance on Delta water supplies (reported in 5-year increments from 2000)</li>   <li>◆ Progress toward increasing the reliability of water supply exported from the Sacramento River or the San Joaquin watershed, measured by the amount of water made available relative to preceding years (reported in 5-year increments from 2000). Progress will also include consideration of changes in State and federal regulatory standards, increased flexibility of system operations, and improved water management and coordination with other water systems.</li>   <li>◆ Progress toward attaining regional water balance for hydrologic regions identified by the California Water Plan, measured by a comparison of the region’s water demand with the region’s available supply for wet, average, and dry year scenarios (reported in 5-year increments from 2000).</li>   <li>◆ Progress toward achieving improvements to the management of California’s groundwater basins (measured by trends in groundwater levels, groundwater quality, and conjunctive management/usage of basins) and implementation of measures to reverse critical conditions of overdraft in the most severely impacted groundwater</li> </ul>	
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			basins (reported in 5-year increments from 2000).	
4. A More Reliable Water Supply for California	WR P2	Multi-Year Transfers	<p>“All new contracts, contract modifications, contract renewals and agreements to export water from, transfer water through, or use water in the Delta except transfers for up to one year in length, are not consistent with Delta Plan unless they have been developed in a transparent manner consistent with Department of Water Resources’ revised policies adopted in 2003 for contract renewals and permanent transfers included in Appendix C or comparable policies issued by the Bureau of Reclamation.”</p>	<p>The Council should be careful to avoid adopting policies or making recommendations that could unduly or unnecessarily hamper flexible water markets in California, as water transfers (both short- and long-term) are an important component of statewide water reliability and resilience to drought or other shortage conditions. Water markets are also important to advance policies concerning efficient use of the state's water resources. If such policies are not artfully crafted and properly considered, unduly restricting water markets could place <i>more</i>, not <i>less</i> stress on the Delta as a water supply and an ecosystem.</p>
5: Restore the Delta Ecosystem	ER P1	SWRCB Flow Objectives for Delta and High-Priority Tributaries	<p>“Development, implementation and enforcement of new and updated flow requirements for the Delta and high priority tributaries is key to the achievement of the coequal goals. The State Water Resources Control Board should update the Bay-Delta Water Quality Control Plan objectives and establish flows as follows:</p> <p>a) By June 2, 2014, adopt and implement updated flow objectives for the Delta that are necessary to achieve the coequal goals.<sup>8</sup></p> <p>b) By June 2, 2018, develop flow criteria for high-priority tributaries in the Delta watershed that are necessary to achieve the coequal goals.</p> <p>Prior to the establishment of revised flow objectives criteria identified above, the existing Bay-Delta Water Quality Control Plan objectives shall be used to determine consistency with the Delta Plan.</p> <p>By June 30, 2013, the Delta Stewardship Council will request an update from the State Water Resources Control Board on items ER P1 (a) and (b). If the Board indicates</p>	<p>ER P1 states that updated Delta and "high priority tributaries" flow objectives, by June 2, 2014 and June 2, 2018, respectively, are "necessary to achieve the coequal."</p> <p>In answer to the question what these updated flow objectives would look like, the Fifth Staff Draft at pages 112-113 suggests only that the objectives should achieve a "more natural regime," apparently keyed to a percentage of impaired flow.</p> <p>While the plan continues to assert that such "more natural" flows are "necessary to achieve the coequal goals," it does not explain how those flows will be consistent with the water supply component of coequal goals. In fact, to the extent the plan continues to reference SWRCB's 2010 Flow Criteria Recommendations, this would tend to suggest an opposite conclusion—that is, water supplies would become much <i>less</i> reliable and available than they are currently, or have been in the past. As it currently stands, therefore, ER P1 not only lacks realism, but is also quite possibly, fundamentally at odds with</p>

			<p>the items (a) or (b) cannot be met by the dates provided, the Delta Stewardship Council will consider and may amend the Delta Plan to achieve progress on the coequal goals in place of the updated flow objectives. For example, the Delta Stewardship Council could:</p> <ul style="list-style-type: none"> <li>◆ Determine that a covered action that would increase the capacity of any water system to store, divert, move, or export water from or through the Delta would not be consistent with the Delta Plan until the revised flow objectives are implemented.</li> <li>◆ Recommend that the State Water Resources Control Board cease issuing water rights permits in the Delta and the Delta watershed (or, if the absence of flow criteria is specific to one or more of the major tributaries, then the recommendation could be focused on the impacted areas).</li> </ul> <p><sup>8</sup> Flow requirements could be implemented through several mechanisms including water rights hearing, FERC relicensing and negotiation and settlement. Implementation through hearings is expected to take longer than the deadline shown here.”</p>	<p>the coequal goals.</p> <p>The Delta Plan cannot sacrifice the state's economy in the name of "a more natural hydrograph," yet at the same time claim that sacrificing the economy is necessary to save the economy. While the environment, our biodiversity and the integrity of our natural rivers and streams are no doubt important, no single objective is so important that it can be permitted to swallow all other objectives—yet this is precisely what this portion of the DSC's draft plan recommends.</p> <p>Another point with regard to ER P1 is, first, that the suggested deadlines are unrealistic; and, second, that the consequences of failing to meet those deadlines either ignore or dismiss the virtual certainty that the deadlines <i>cannot</i> and <i>will not</i> be met.</p> <p>Footnote 8 in the "Comparison" document indicates that flow objectives could be set through water right proceedings before the SWRCB, in FERC relicensing processes, or through "negotiation and settlement." However, this overlooks the fact that that neither the FERC, nor a water rights proceeding before the SWRCB can avoid water rights or the social and economic impacts of their actions--whereas "negotiation and settlement" does not typical occur until all possible other options have been exhausted, usually in the context of a water rights proceeding before the SWRCB and in the courts.</p> <p>Footnote 8 acknowledges that "[i]mplementation through hearings is expected to take longer than the deadline shown here." Thus, the draft plan itself recognizes that ER P1 is incompatible with the legal requirement of a water rights proceeding that affords proper due process protections in</p>
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<p>7: Reduce Risk to People, Property, and State Interests in the Delta</p>	<p>RR R2</p>	<p>Delta Dredging</p>	<p>“The current efforts to maintain navigable waters in the Sacramento River Deep Water Ship Channel and Stockton Deep Water Ship Channel, led by the U.S. Army Corps of Engineers and described in the Delta Dredged Sediment Long-Term Management Strategy (USACE 2007, Appendix G), should be continued in a manner that</p>	<p>Farm Bureau appreciates this language. As we have commented prior correspondence, channel dredging in the Delta was historically an essential component of Delta levee maintenance and construction. Finding ways to appropriately allow some dredging and beneficial reuse of the dredging spoils within the Delta is important when one considers the threat of potential</p>

			<p>supports the Delta Plan and the coequal goals. Appropriate dredging throughout other areas in the Delta that would increase flood conveyance and provide potential material for levee maintenance or subsidence reversal should be implemented in a manner that supports the Delta Plan and coequal goals.”</p>	<p>future sea-level rise and other pressures on Delta levees. At the same time, with large-scale dredging projects such as the Sacramento Deep Water Ship Channel deepening project, it may be important to consider the potential for saltwater intrusion and/or salt-trapping effects—particularly, considered in connection with future Delta conveyance and large-scale tidal marsh restoration proposals in the Delta.</p>
<p>7: Reduce Risk to People, Property, and State Interests in the Delta</p>	<p>RR R10</p>	<p>Proposed Delta Flood Risk Management Assessment District</p>	<p>“The Legislature should create a Delta Flood Risk Management Assessment District with fee assessment authority (including over State infrastructure) to provide adequate flood control protection and emergency response for the regional benefit of all beneficiaries, including landowners, infrastructure owners, and other entities that benefit from the maintenance of the levees, such as water users who rely on the levees to protect water quality. This district should be authorized to:</p> <ul style="list-style-type: none"> <li>◆ Develop, fund, and implement a regional plan of flood management for both Project and non project levees of the Delta in cooperation with the existing reclamation districts, cities, counties, and owners of infrastructure and other interests protected by the levees;</li> <li>◆ Conduct levee elevation surveys and inspections at least every 5 years, and report data to Department of Water Resources;</li> <li>◆ In coordination with Department of Water Resources and the U.S. Army Corps of Engineers, establish standardized flood risk measurement data. This data should support the development of Expected Annual Damage and loss of life values for the Delta, to be conducted by the District annually. Expected Annual Damage is a measure of risk that integrates the likelihood</li> </ul>	<p>This concept should be vetted properly through Delta landowners, reclamation districts with existing assessment powers, Delta levee experts, and other affected interests, before it is made a formal recommendation in the Delta Plan. The distinction between "state interests" and "regional benefits" is an important one for the identification of "beneficiaries" and quantification of "benefits."</p>

			<p>and consequences of flooding, and is a standard measure of the benefits of reducing flood risk (USACE 1996, USACE 2006). The U.S. Army Corps of Engineers is currently developing a levee risk management system, including means to evaluate and rank risk of loss of life and flood damages for levee systems;</p> <ul style="list-style-type: none"> <li>◆ Notify residents and landowners of flood risk, personal safety information, and available systems for obtaining emergency information before and during a disaster on an annual basis; and</li> <li>◆ Potentially implement the recommendations of the Delta Multi-Hazard Coordination Task Force (Water Code section 12994.5) in conjunction with local, State, and federal agencies and maintain the resulting regional response system and components and procedures on behalf of SEMS jurisdictions (reclamation district, city, county, and State) that would jointly implement the regional system in response to a disaster event.</li> <li>◆ Identify and assess critical water supply corridor levee operations, maintenance, and improvements.”</li> </ul>	
7: Reduce Risk to People, Property, and State Interests in the Delta	RR R11	Land Subsidence in Delta	<p>“State agencies should not renew or enter into agricultural leases on Delta or Suisun Marsh islands if the actions of the lessee promote or contribute to subsidence on the leased land, unless the lessee participates in subsidence-reversal or reduction programs.”</p>	<p>Research into BMPs to reduce and minimize subsidence in connection with conventional farming of Delta peat soils should be conducted and—if feasible and effective—potential ways to implement, encourage, or incentivize regional adoption of such BMPs should be considered for affected areas of the Delta.</p>
9: Finance Plan Framework to Support Coequal	FP R5	Statewide Assessment of Water Infrastructure Needs	<p>“As part of the California Water Plan Update, the Department of Water Resources should prepare an assessment of the state’s water infrastructure needs. This should include an assessment of the existing infrastructure’s rehabilitation/replacement costs, as well</p>	<p>The recommendation regarding a statewide assessment of the State’s water infrastructure needs is an excellent one.</p>

Goals			<p>as new improvements to meet projected demands over the planning period. The Department of Water Resources should consider a survey of agencies requesting information on small-scale projects (such as storage or conveyance) that allow the State to improve water supply reliability. In the future, a provision should be added to Urban Water Management Plans and Agricultural Water Management Plans to include information on potential local water reliability projects. This could form the basis of future State bond funding decisions and be used to inform the Legislature and the public of systemwide needs.”</p>	
9: Finance Plan Framework to Support Coequal Goals	FP R6	Stressors Fees	<p>“User Fees/Stressors Fees should support the coequal goals and the Delta Plan.</p> <ul style="list-style-type: none"> <li>◆ The Legislature should authorize the Delta Stewardship Council to develop reasonable fees for beneficial uses and reasonable fees for those who stress the Delta ecosystem, and apply these fees to the operational costs of the Delta Stewardship Council, the Delta Conservancy, and the Delta Protection Commission to allow implementation of the Delta Plan. These fees would be developed in an open and transparent process. Operating costs of the Delta Stewardship Council, Delta Conservancy, and Delta Protection Commission should be pre-funded for a period of 10 years. As previously discussed, the annual budget of the new governance structure is approximately \$50 million.</li> <li>◆ Repayment of these costs, with interest, would be made annually commencing in 2022 from collected fees. Repayment could begin sooner if revenue from fees were available before 2022. Repayment should be completed</li> </ul>	<p>Regarding "stressors fees," the reference to "those who stress the Delta ecosystem" requires further elaboration. What is a "stressor" and how would Legislature quantify an equitable fee for all of the many differing categories of potential "stressors"? Many human activities that might be characterized as potential ecological "stressors" already require mitigation or imply other costs related to the impact. How would the Legislature avoid duplicative mitigation requirements and how would it tie fees to quantified impacts? Such questions are not trivial ones and are no more easily resolved.</p>

			no later than 2032. ◆ Revenue bond authority should be granted to implement the Delta Plan should a fiscal partner be found.”	
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