CASTAIC LAKE WATER AGENCY

January 10, 2013

Phil Isenberg, Chairman
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814

By email: deltaplancomment@deltacouncil.ca.gov

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Re: Draft Final Delta Plan, Draft Program Environmental Impact Report, Draft Rulemaking Documents

Dear Chairman Isenberg:

The comment period for the Draft Program Environmental Impact Report of the Delta Plan and the Office of Administrative Law rule-making package provide an important opportunity to receive public feedback on the direction of the drafting effort from stakeholders such as public water agencies that rely on Delta supplies. The residents and businesses of the Santa Clarita Valley served by the Castaic Lake Water Agency (CLWA) rely on the State Water Project to deliver about half of our water supply from Northern California through the Delta. Our comments reflect our ongoing concerns with the reliability of these supplies and the important role of the Delta Plan – and the Bay Delta Conservation Plan (BDCP) by incorporation – in providing for the state's water needs.

Public water agencies have submitted numerous comments throughout the Delta Plan drafting process. Overall, we are encouraged by the evolution of the draft plan and numerous improvements to the document throughout this process. In particular, we believe the document does a better job of identifying all the known stressors to the Delta ecosystem and making recommendations about how those stressors may be addressed. However, to ensure that the final draft successfully advances the co-equal goals of ecosystem restoration for the Delta and reliable water supplies for California, we believe the following issues must be addressed:

1. Policies must fall within the Council's legal authority The Delta Plan should clearly state its goals to encourage statewide water use efficiency and avoid using language that could be misinterpreted to regulate local water management decisions outside of the Delta through the covered action review process. In the current draft Delta Plan, Policy WR P1 gives the Council the discretion to review and judge local water management decisions outside the legally-defined Delta, inappropriately expanding the role of the Council beyond that outlined in statute and thus subjecting local agencies to an additional and potentially burdensome

review process, irrespective of their water stewardship practices. We appreciate the verbal assurances from Council members that they want this discretion only to address alleged "bad actors", but the 2009 Delta Reform Act did not give the Council the jurisdiction to review and judge local water management decisions outside of the Delta. As an agency that has been successful in advancing local water supply reliability through investments in conservation and recycling, among other water management practices, we object to this proposed policy.

2. Delta Water Export Supplies While the draft Delta Plan does not make this statement, the Draft EIR assumes that Delta Plan implementation will result in less water being exported through the Delta. Reduced reliance does not equate to reduced exports. With improved conveyance, ecosystem restoration and reductions in the "stressors" that harm Delta species, we believe it is feasible to achieve the mandated co-equal goals to improve both water supply reliability and the Delta ecosystem, without reducing exports. The EIR also claims, without support, that sufficient, feasible replacement water sources exist, yet fails to analyze any specifics about how much replacement water would be needed, how it would be implemented, how costly replacement water sources might be and the possible economic and environmental effects of developing these supplies. Agencies, such as ours, in the export region have made great strides and considerable investments in storage, conservation, recycling and groundwater reclamation, as well as transfers of previously used agricultural water to our service area. In fact, transferred agricultural water supply provides approximately sixty percent of CLWA's imported water supplies. Furthermore, our plans include future investments in additional recycled water infrastructure that would meet thirty percent of our future demand. Irrespective of these efforts as well as our mandated water conservation demand reductions, the proposed policies appear to penalize those public agencies such as CLWA that are not currently utilizing their full share of SWP supplies. Continued access to imported water that our citizens have already invested in is essential to meeting our mission of "providing a reliable, quality water supply at a reasonable cost."

3. One-Year Transfers Under California law, one-year transfers of water are not subject to the California Environmental Quality Act (CEQA). The Council has taken steps to exclude other CEQA exceptions from its covered action review process but, in the case of one-year transfers, that exception is only valid through 2014. One-year transfers are critical for meeting year-to-year shortfalls in supply. This vital water management tool is at risk if each transfer is subject to an appeal process that may take up to 150 days – or, in other words, half of the one-year transfer period.

4. Bay Delta Conservation Plan The Delta Plan must incorporate BDCP as a cornerstone of its own Plan if BDCP meets the conditions specified in the 2009 Delta Reform Act legislation. Delta Plan language and implementing procedures should mirror that of the legislation and clearly state its intent to incorporate the BDCP as a core component of the plan. Recent Council member public statements have emphasized the statutory role of BDCP, but we are concerned that the current procedures listed in the Plan appendix do not do this. Nevertheless, we are encouraged that staff has stated in public meetings that the Council plans to revisit those procedures in the next couple months. The BDCP is the State and Federal governments' central plan to implement ecosystem restoration and water supply reliability. Absent this essential element, the overarching Delta Plan cannot achieve its statutory objectives.

We appreciate the Council's efforts to craft a plan that effectively establishes a new governance structure and guidance for the Delta's many stakeholders to cooperatively and constructively resolve California's water resource challenges. We urge your consideration of our remaining concerns and hope these and other comments will contribute to your future deliberations to preserve Californians' quality of life and enhance the health of our environment.

Sincerely,

Dan Masnada
General Manager

cc: (Via email)
Phil Isenberg, Chair of Delta Stewardship Council – Draft EIR and Rulemaking Comments