



## Coalition for a Sustainable Delta

August 27, 2010

### **VIA E-MAIL**

Phil Isenberg  
Chair, Delta Stewardship Council  
650 Capitol Mall  
Sacramento, CA 95814

Re: Comments on the *Final Draft Interim Plan* (dated August 16, 2010)

Dear Chairman Isenberg,

The Coalition for a Sustainable Delta (“Coalition”) is writing to provide comments to the Delta Stewardship Council (“Council”) on the *Final Draft Interim Plan* (“Draft Interim Plan”), dated August 16, 2010. This letter supplements previous comments submitted by the Coalition on May 12, June 9, July 2, July 19, and August 3, 2010.

First, the Coalition remains concerned about the lack of concrete early actions contained within the Draft Interim Plan, including any acknowledgement of enforcement of existing laws as a tool to improve conditions in the Delta. There are a number of actions the DSC can take (or direct other agencies to undertake) immediately under existing authority; such actions were detailed in our prior comments and include requesting that the Fish and Game Commission amend its striped bass fishing regulations to reduce predation on native Delta fish species and that the State Water Resources Control Board and Central Valley Regional Water Quality Control Board take action to address illegal diversions and harmful wastewater and stormwater discharges into the Delta.

One of the issues noted in the Draft Interim Plan is the need to closely coordinate with other agencies. As part of this coordination effort, the DSC should seek to fully understand what the agencies with involvement in the Delta are and are not doing, and what they could be doing under their existing authority to improve conditions in the Delta. Enforcement serves as the foundation of the effort to address Delta stressors. Many of the stressors, such as poor water quality and predation by non-native sport fish, fall under existing obligations of State agencies. Before the Delta Plan creates new obligations, shortfalls in the enforcement of existing laws should be documented and improved. As we previously recommended, the DSC should conduct an enforcement audit and require concrete steps during the Interim Plan implementation period to improve enforcement of existing laws in the Delta, including those related to water rights, water quality, and native species protection.

Second, the Draft Interim Plan sets up a potentially lengthy and burdensome application and review process for inclusion of early actions in the Interim Plan. More process will not address the problems in the Delta. The DSC should fully utilize the time period prior to implementation of the Final Delta Plan to take actions that can improve conditions in the Delta. Through the short-term action application process, the Council is improperly shifting the burden to stakeholders to provide enormous amounts of detail regarding short-term actions. The amount of information that stakeholders must submit for a proposed early action is staggering, and involves both legal determinations and scientific expertise. And, if any information is missing, the application states that consideration of the action will be delayed. If the DSC retains the concept of an application process for inclusion of early actions in the Interim Plan, the DSC should ensure that this process is not unnecessarily lengthy or burdensome. The DSC should establish and enforce tight deadlines for consideration and implementation of early action proposals so as to ensure that the process does not get in the way of undertaking short-term actions that can improve conditions in the Delta prior to implementation of the final Delta Plan.

Finally, we also question why the Draft Interim Plan suggests that for inclusion in the Interim Plan short-term actions must address “urgent” issues (see p. 33). The “urgent” language cited to in the Delta Reform Act refers to the need to get moving on actions that can be implemented before the final Delta Plan and it does not require that short-term actions be inherently “urgent.” Such an interpretation could preclude action on certain Delta stressors that are certainly problematic (e.g., water quality) but not “urgent” in the sense that they are capable of being addressed within the time period before implementation of the final Delta Plan in 2012.

Thank you for your consideration of the Coalition’s comments on the Draft Interim Plan. We would be happy to discuss these comments with you at your convenience.

Coalition for a Sustainable Delta

A handwritten signature in black ink, appearing to read 'W. Phillipmore', written over a faint horizontal line.

By: William D. Phillipmore, President