



July 19, 2010

VIA E-MAIL

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

Re: Fourth submission regarding the Interim Delta Plan

Dear Chairman Isenberg,

The Coalition for a Sustainable Delta (“Coalition”) is writing to provide comments to the Delta Stewardship Council (“Council”) regarding the Second Draft Interim Plan. On May 12, June 9, and July 2, 2010, the Coalition submitted comments on preceding drafts of the Interim Delta Plan. Here, we highlight three issues for discussion regarding the Second Draft Interim Plan at your July 22-23 Council meeting.

1. Enforcement is the logical starting point for any Council activities under the Interim Delta Plan, but the Second Draft Interim Plan includes no discussion of enforcement.

Enforcement of existing laws should be the starting point for Council action under the Interim Delta Plan. Without identifying enforcement obligations by various state and federal agencies, it is impossible to determine what new activities should be included in an Interim Delta Plan and final Delta Plan. Enforcement of relevant existing laws is also the logical starting point for actions to achieve the co-equal goals. At a minimum, the Interim Delta Plan should include an enforcement plan that contemplates a report to the Council by state agencies regarding enforcement obligations, activities, and resources. It should also include an analysis by legal counsel regarding enforcement tools, and a plan to implement full enforcement of existing laws under the final Delta Plan.

2. As required by statute, the Interim Delta Plan should recommend concrete, near-term actions—not just “processes” to “develop its recommendations”—that will make progress towards the co-equal goals.

Under the Sacramento-San Joaquin Delta Reform Act of 2009, the Council is required to create an Interim Delta Plan that will provide “recommendations for early actions, projects, and programs.” However, the Second Draft Interim Plan purports only to “outline processes the Council will use to develop its recommendations for early actions,

projects and programs,” and states that “the Council completed the only required early action solely within its powers by appointing a Delta Independent Science Board”. The statute requires the Council to recommend early actions, not simply outline processes or regurgitate the list of early actions by other agencies included in the same statute. The Interim Plan should include concrete recommendations for early action, including actions to address many of the ecosystem “other stressors” in the next two years. Waiting until 2012 to take action to address known ecosystem stressors should not be an option. Short term actions to address other stressors include the reduction of harmful ammonium discharges and elimination of striped bass bag and size limits as requested by the federal National Marine Fisheries Service. The Coalition has provided an extensive list of additional, suggested short term actions in its previous letters to the Council.

3. The proper use of science to support Delta policy, decision-making, and management efforts is a key component of “best available science”. The current draft of the Interim Plan is missing Section V, which provides “procedures for the use of best available science in decision making of the [C]ouncil.” (Second Draft Interim Plan, p. 27)

The use of “best available science” entails not only identification of reliable scientific knowledge about the Delta, it also encompasses the way in which science will inform management planning and implementation. Page 27 of the Second Draft Interim Plan includes a statement that “procedures for the use of best available science in decision making of the [C]ouncil are considered in Section V.” However, Section V has been omitted from the current draft Interim Plan provided on the Council’s website. With only one more draft before the final Interim Plan, it is critical that this section is included in public drafts for discussion and review.

The Coalition appreciates the opportunity to provide comments to the Council regarding the Second Draft Interim Plan in advance of the July 22-23 Council meeting. The Coalition further hopes that the Third Draft Interim Plan will more fully address enforcement, concrete suggestions for early actions, and a discussion of how science will inform decision making.

Coalition for a Sustainable Delta



By: William D. Phillimore, President