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DELTA STEWARDSHIP COUNCIL

April 21, 2010

Chair
Phil Isenberg

Mr. Mark Cowin, Director
California Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Members
Randy Florini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Richard Roos-Collins

Interim Executive Officer
P. Joseph Grindstaff

Re: Environmental Review of the BDCP

Dear Director Cowin:

At our first meeting, the Delta Stewardship Council (Council) discussed, among other things, its legislatively-prescribed duties and responsibilities (described in the Sacramento-San Joaquin Delta Reform Act of 2009; new Div. 35, Water Code sec. 85000 et seq.).

Primary among those is preparation and adoption by January 1, 2012, of the Delta Plan to further the co-equal goals of "providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem" (Water Code secs. 85300(a) and 85054). Provided certain criteria are met, a major component for possible inclusion in the Delta Plan is the Bay-Delta Conservation Plan (BDCP) (Water Code secs. 85320-85322), for which DWR is currently acting as lead agency under CEQA.

The new legislation designates the Council "shall be a responsible agency" under CEQA "in the development of the environmental impact report" for the BDCP (Water Code sec. 85320(c)). In that role, the Council must comment on, and then ultimately determine whether the BDCP (and its EIR) meets the criteria set forth in Water Code sec. 85320(b) for inclusion in the Delta Plan and for state funding for associated public benefits.

While the Council is mindful that the environmental review process for the BDCP has been ongoing for some time, and that the formal scoping period has closed, we would nevertheless request and appreciate—as a newly-designated responsible agency—the opportunity to engage with you and your team in the next few weeks to discuss the nature and scope of the current environmental review and analysis and to explore areas that we believe may be deserving of additional or new analysis. Of particular (but not exclusive) concern to the Council in furthering the co-equal goals is an adequate environmental analysis in the BDCP EIR/EIS of both short and long-term flow criteria, alternative conveyance options (including sizing), the adaptive management process, performance measures, related effects on water quality, and risks associated with climate change, sea level rise, and natural disasters like floods or earthquakes. (See Water Code sec. 85320(b)(2).)

"Coequal goals" means the two goals of providing a 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."

—State Water Code §85054

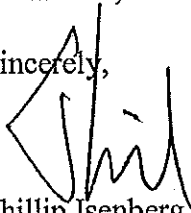
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Comprehensive and integrated Delta planning is essential, not only for the future of the Delta watershed, but for the entire state. The Council looks forward to working with you and your staff on the BDCP, the Delta Plan, and other related efforts. I will call you in the next few days to schedule an initial meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phillip Isenberg', written over a faint, large outline of a triangle.

Phillip Isenberg
Chair

cc: Lester Snow (Resources Agency)

David Nawi (DOI)

Ren Lohhefner (UFWS)

Maria Rea (NOAA Fisheries)

Don Glaser (BuRec)