STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

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DEPARTMENT OF WATER RESOURCES
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August 3, 2010

Mr. Joe Grindstaff
Acting Executive Officer
Delta Stewardship Council
650 Capitol Mall
Sacramento, California 95814

Dear Mr. ~~Grindstaff~~: Joe

The Department of Water Resources (DWR) is pleased to provide continued input on the Delta Stewardship Council's (Council) Draft Interim Plan. While the Council incorporated many of DWR's comments regarding the First Draft Interim Plan, some specific items, detailed in the attachment to DWR's letter to the Council dated July 2, 2010, were not addressed. These comments can be found again in the attachment to this letter. You will also find a new set of comments regarding the Second Draft Interim Plan.

We look forward to continuing work with the Council and staff to further refine the Interim Plan in future iterations.

Sincerely,

Sue Sims
Chief Deputy Director

Attachments

Comments from DWR re: First Draft Interim Plan

Page	Reference	Comment	From	Draft 2 Page
10	Some past and pending development projects in the secondary zone are in locations that could compromise flood protection for existing Delta islands and residents by constraining floodways and limited flood-fighting options.	There is no citation for such a statement. Additionally, this concept is unfamiliar to DWR staff.	W. Tabor	P 4. Line 33.
21	Among the core, repetitive responsibilities of the Council, early attention will be given to its responsibilities related to reviews of proposed actions and plans.	More on DSC plans to make recommendations on proposed actions, using the interim plan. (See comment regarding pg. 4)	W. Tabor	21
A-5	Action 3.2.3: Immediately use the Central Valley Flood Protection Plan to identify areas of the San Joaquin River within and upstream of the Delta where flood conveyance capacity can be expanded.	CVFPP will not be adopted until June, 2012, and it may or may not have a recommendation for a San Joaquin River flood bypass.	W. Tabor	Appendix V, Page 2
A-7	Action 5.2.2: Require the Department of Water Resources to immediately create a flood bypass along the lower San Joaquin River.	Would require DWR to immediately create a flood bypass on the lower San Joaquin River which may be infeasible.	W. Tabor	Appendix V, Page 4
A-25	The risks to people, property, and state interests in the Delta stem primarily from potential failures of levees that protect land areas and define water channels within the Delta...	This section focuses on levee failures. The annual high water / high wind events in the Delta have required local reclamation districts to enact emergency levee patrols and flood fights to also address levee overtopping issues. References to "potential failures" could be changed to "failures and overtopping".	M. Mierzwa	6
N/A	N/A	The full text of SBX7 1 should be included in a separate appendix and the water code responsibilities of other, long-standing state agencies should also be discussed and highlighted within the background of the Plan. This should help to establish where overlapping authority exists, but at present the Plan reads as though it takes priority.	M. Mierzwa	Appendix IV
N/A	N/A	The appendices should be expanded (and outside of the plan entered into a geospatial database) as additional programs and projects are researched.	M. Mierzwa	N/A
N/A	N/A	Though the plan quotes the water code and provides a brief background into the importance and general physical characteristics of the Delta, it does not include the important historical story about how the Delta has evolved over time. This is crucial, since both Delta and statewide flood management programs historically have taken decades to plan and design. Failing to acknowledge this could lead to false expectations and conflicting prioritization of future planning efforts.	M. Mierzwa	N/A
N/A	N/A	A focus of the interim work of the DSC should be interacting with state and federal water management and resource agencies and the public to develop the 2012 Plan.	M. Mierzwa	N/A

Comments from DWR re: Second Draft Interim Plan

Page and Line	Reference	Comment	From
Page iv	Consideration of Early Actions in the Interim Plan	It would be helpful to include a table or illustration of those actions under authority of the Delta Plan , so that one can easily understand which actions should go before the Board.	A. Pawley
Page v, Lines 14-15	...assisting in implementing early action ecosystem restoration projects, including tidal marsh restoration in Dutch Slough and on Meins Island	This section refers to "tidal marsh restoration" in Dutch Slough and on Meins Island. The actual restoration will, likely be a combination which includes some tidal marsh restoration. Also, "Meins Island" should be "Meins Landing."	D. Mraz
Page vii, Line 7	Section IV provides a framework for organizing available information as a basis for Council action in a wide range of activities under the Interim Plan.	The meaning of this statement is unclear.	A. Pawley
Page vii	Analytical Tools for Council Action.	The tools presented should be more explicitly linked to the goals and objectives of the program they are intended to address. For example all of the objectives should be evaluated using indicators and/or performance measures but indicators are mentioned only for water supply and ecosystem restoration. If those are the only objectives to be explicitly tracked reflecting the co-equal goals, this should be more explicit in the document. Maps are useful for nearly all of the objectives . Flow criteria are important, but criteria should be developed for other objectives as well.	A. Pawley
Page 3	N/A	Background section is very abbreviated. It would be helpful to reference other documents through an annotated bibliography .	A. Pawley
Page 3, Line 15-16	The Delta of today, by contrast, is largely a channelized system, where farmlands, homes and infrastructure are protected from water by levees, preventing these ecologically productive mixtures.	This statement implies that if the levees were gone the desired mixing of water and land across virtually the entire Delta would occur. It does not recognize the fact that the Delta has been changed irreversibly, and that the tidal marsh of 100 years ago will not return if the levees are removed.	D. Mraz
Page 3, Line 28	Entrainment also occurs at other water diversion points throughout the Delta, although to a lesser extent because of the individual capacities of each diversion as compared to the SWP and CVP pumping plants.	While the size of the "other water diversion points" is smaller, the number of diversions (1,800 agricultural diversions) is much greater. According to the Delta Atlas, at peak times, the agricultural diversions can reach 4,000 cfs, nearly ½ the capacity of the export pumps.	D. Mraz
Page 3, Line 35 - 38	The causes of this crash are disputed, but likely include, in some combination, the monopolization of the food chain by non-native species, the historically high levels of water export through the major south Delta pumps in the last two decades, the introduction of toxins and other pollutants into the Delta through river inflows, and the accumulated loss of breeding and rearing habitat.	Add to this list changes in the direction and seasonality of flow patterns in the Delta and accumulated loss of habitats for food production.	A. Pawley
Page 4, Line 8-13	The requirements have restricted both quantity and timing of diversions by the SWP and CVP southern Delta intakes, especially when anadromous fish and estuarine fish are present near the intakes near the Old River system of the San Joaquin River. As the listed aquatic species continue to decline, the regulatory requirements have continued to reduce the extent of operations for the SWP and CVP pumping plants.	Delete "The requirements have..." to the end of this section. These statements do not pertain directly to ecosystem health and should be mentioned in the section on Unreliable Storage and Conveyance.	A. Pawley
Page 5, Lines 7-11	During preparation of the CALFED environmental impact report/environmental impact statement (EIR/EIS), alternative conveyance options were considered but as part of a second phase after completion of studies and implementation of pilot studies to improve water supply reliability and water quality for central and southern Delta water users and the SWP and CVP.	Unclear as written.	A. Pawley
Page 5, Lines 15-16	Development of water storage and conveyance facilities modified the flow patterns by shifting peak river flows from fall through spring months to summer months.	This section is not clearly written. Peak flows do not necessarily fall in summer months, but hydrograph is flat lined.	A. Pawley
Page 5, Line 32	Additional storage, both upstream and downstream of the Delta, and conveyance around the Delta would provide flexibility for water operations to provide a reliable water supply for the ecosystem and agricultural and municipal and industrial water users.	Improve the explanation of ecological benefits. How does downstream storage provide ecosystem benefits? How does one avoid additional flat lining of hydrograph with upstream storage and how do you reduce affects on attraction flows?	A. Pawley

Comments from DWR re: Second Draft Interim Plan

Page and Line	Reference	Comment	From
Page 6, Line 12	The potential for catastrophic failures of many Delta levees simultaneously has only recently been analyzed quantitatively and is not yet addressed by a policy for sustainability.	It would be helpful to provide a link to analyses about catastrophic failure.	A. Pawley
Page 6, Line 17	If the challenge is beyond local capability, DWR emergency assistance may be requested.	Change "DWR" to "county, state, or federal."	D. Mraz
Page 6, Lines 26 and 27	The Delta also relies on levees, 27 bypasses, and dams in the upstream watershed.	Delete this sentence or else explain how the Delta relies on levees, bypasses, and dams in the upstream watershed.	D. Mraz
Page 6, Line 43	There were 31 levee failures in the legal Delta between 1967, when levees were improved to current levels, and 2004, somewhat less than an average of one per year.	Delete " ...when levees were improved to current levels." The levees were in significantly poorer condition in 1967 than they are now and, currently, only about 75% of the levee miles are at the minimum standard for agriculture (HMP).	D. Mraz
Page 7, Line 8	Over about the last 30 years, the State of California has provided supplemental financing 8 for levee maintenance and emergency response through DWR's Flood Control Subventions Program.	Change "Flood Control" to "Delta Levees Maintenance." The Flood Control Subventions Program operates outside the Delta.	D. Mraz
Page 7, Line 12	Passage of the Delta Reform Act was a response to widespread criticism of weak governance capacity.	Explain "weak governance capacity", and summarize more explicitly what these reports, e.g. Little Hoover Commission, found.	A. Pawley
Pages 8-9	N/A - Additional Text	The theme of California Water Plan Update 2009 is integrated water management and sustainability. The Update 2009 implementation plan (Volume 1, Chapter 7) has 13 objectives and 115-plus related actions that were taken from multiple State government companion plans and initiatives and the 2009 comprehensive water legislation. Objective 7 and its related actions incorporated the recommendations from the Delta Vision Committee's report to the Governor and Legislature, as well as the provisions of Senate Bill X7-1. One of the 12 regional reports (Volume 3) covers the Sacramento San Joaquin River Delta, including Suisun Marsh. Update 2009 also includes nine cross-cutting policy recommendations that can help reduce impediments and leverage existing resources and opportunities for successful implementation – one of which advances the co-equal goals. For the first time, a steering committee was formed representing 21 California State agencies, including the CALFED Bay-Delta Program, and their many subject matter experts. This is widely viewed as a successful first step to integrate water planning at the State level. In addition, a 45-member public advisory committee and nearly 40 regional workshops enhanced the practicality of Update 2009. There was significantly greater involvement of California Native American Tribes, including a first-of-its-kind Tribal Water Summit, as well as coordination with federal agencies. Together, these efforts provided broad participation in plan preparation.	K. Guivetchi
Page 15, Line 13	The Interim Plan also will inform actions of the Council and how the Council will deal with the issues required in the Delta Plan.	Without a more defined process, it is unclear how the Interim plan can inform the work of other agencies. The objectives in the Interim Plan as presented are too vague to guide decision making at the project level. However, it should be noted that for ecosystem restoration programs funded through the Delta Levees program, DWR does review potential projects using the objectives outlined in the Delta Vision and CALFED ERP. Also, the Water Code appears to indicate that the Delta Council is not a regulatory body. If an agency is acting as a responsible agency for a grant program, for example, does the council expect to duplicate that role? The California Water Code 85057.5b states that, ""Covered action" does not include any of the following: (1) A regulatory action of a state agency. The issue of roles among existing agenices and the newly created Delta Council should be addressed under the process and authorities sections of the Interim Plan in order to streamline the decision-making process.	A. Pawley
Page 23, Line 8-9	Action can be taken on imperfect science if it is the best available.	Action (may) be taken (based) on (incomplete) science if it is the best available.	T. Frink
Page 23 Line 26	Basis for Identifying Actions.	An appendix which includes the entire Delta Reform Act text might be useful.	A. Pawley
Page 27, Line 10	1. Best available science	1. Best available foundational science	K. Guivetchi
Page 27, Line 12	3. Delta ecosystem restoration plan	3. Delta ecosystem restoration plan and Suisun Marsh Plan	K. Guivetchi

Comments from DWR re: Second Draft Interim Plan

Page and Line	Reference	Comment	From
Page 27, Line 31	...procedures for the use of best available science in decision making of the 31 council are considered in Section V.	Reference to Section V is unclear.	D. Mraz
Page 28, Line 5	The Delta Reform Act creates includes provisions for a Delta Independent Science Board...	"... creates includes..." should be changed	D. Mraz
Page 29	Delta Ecosystem Restoration Plan	It is unclear from the text how the CALFED ERP is to be used as an analytical tool. The Interim Plan should include a process for identifying the analytical tools to be used for Ecosystem Restoration and a framework for evaluating progress in the form of measureable objectives. Though the ERP includes a long list of milestones, it may also be important to utilize other tools, as the ERP never really used a set of indicators to explain their program and progress to the public. Many questions remain: will the Interim Planning process review the ERP and evaluate/adopt those portions of the plan to include in the current plan? Also, the ERP is for the entire Sacramento/San Joaquin watershed, will the Delta Plan have a nexus with the objectives set down for other regions that affect the Delta? How will the Delta Planning process utilize the existing conceptual models?	A. Pawley
Page 29	Delta Ecosystem Restoration Plan	Consider including reference to AB360 program objectives of "no net habitat loss" and habitat enhancement in the Delta objective of the program implementing language.	T. Frink
Page 29, Line 5	The CALFED Ecosystem Restoration Program provides tools and processes for evaluating and guiding decision making about restoration actions under the Interim Plan.	Interim Plan should be changed to Delta Plan.	D. Mraz
Page 29, Lines 8 - 12	One option is to organize reports in bar chart formats or line graph by performance measures. The Delta Vision Strategic Plan includes approximately 40 ecosystem performance measures, more than can be easily understood in public policy making processes, but they are organized around five policy strategies.	This is a discussion of tools and should not advocate for the use of specific measures. Though the concept of developing performance measures is commendable, the current text may be too detailed for the intent of this section .	D. Mraz
Page 29, Line 15	The Interim Plan must ensure progress...	Interim Plan should be changed to Delta Plan.	D. Mraz
Page 29, Line 22	...Interim Plan uses the levee classification system developed during development of the Delta Vision Strategic Plan, and now used by DWR and others.	Delete the phrase "and now used by DWR and others." The classification system referred to in the text is different from the one indicated on Table 4-1. The system shown in Table 4-1 is similar to DWR's classifications, but differs.	D. Mraz
Page 29, Line 28 - 30	Specifically, the DWR FloodSAFE and the Delta Levees Program are developing additional levee classifications to address the following two classifications shown in Table 4-1:	Delete the section beginning with "Specifically, the DWR...." as there are no actions within the Department to establish a criteria for legacy towns.	D. Mraz
Page 29, Line 33	DWR has expressed specific interest in addressing protection for small Delta communities (or Legacy Towns)	Replace "DWR has expressed specific interest in" with "there is a need for." While not excluding legacy towns, the FloodSAFE efforts are now focused on protection of urban areas (areas with 10,000 people) and urbanizing areas (areas that will have 10,000 people within 10 years). There is a recognized need for improved flood protection for legacy towns; however, the Department is not actively developing methods to achieve this improved protection.	D. Mraz
Page 29, Line 37	Additional design features are being considered to provide life-safety protection in the event of major levee failures from earthquake or other causes.	Change "are being" to "must be" - See the justification above.	D. Mraz
Page 30, Line 25	This is a challenging task as there is scant experience with the performance of levees designed to these standards.	Change "scant" to "limited" – This section is discussing the performance of levees under seismic loading. Scant implies there is insufficient information or experience to know how levees will perform. There are a number of historic cases of levee deformation and failure under seismic loading. (Moss Landing embankment failure during Loma Prieta earthquake in 1989 & the failure of the sea wall during the Kobe earthquake in 1995, among others).	D. Mraz
Page 31, Table 4-1	See Table	It is not clear what this table is trying to convey. The headings, including "Habitat", "Infrastructure", and "Populated" need to be defined.	D. Mraz
Page 31, Table 4-1	See Table	Class 2 Proposed design criteria: Delete the editorial modifier "Steep" in two locations as it is not a required part of the criteria.	D. Mraz
Page 31, Table 4-1	See Table	Class 3 through Class 9 Delta Levee Suitability – Habitat: Change N/A to √ since the levee described (PL84-99 (DS), etc.) is suitable to protect some types of habitat.	D. Mraz
Page 31, Table 4-1	See Table	Class 6 through Class 9 Delta Levee Suitability – Agriculture: Change N/A to √ since the levee described provides suitable protection to agriculture.	D. Mraz
Page 31, Table 4-1	See Table	Add entry and/or make reference to Suisun Marsh levees.	K. Guivetchi
Page 35	N/A	The plan should propose methods regarding how the Commission will accomplish the intent of the Public Resources Code Section 29702.	D. Mraz

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Page 37, Figure 4-1	N/A	Show boundaries of the Primary and secondary Delta zones; label major metropolitan areas/land features e.g.: reservoirs. Should make colors of each category in more distinct separation to distinguish between Land Use types more easily.	T. Frink
Page 39 , Table 4-2	N/A	Funding for the DSC activities should be included on the table	D. Mraz
Page 39 , Table 4-2	N/A	Links to other state agencies with Delta budgets and economic information would be most helpful to overall coordination of efforts to achieve DSC goals and objectives.	D. Mraz
Page 39 , Table 4-2	N/A	Annual Averages for "Budgeted-Fiscal Year '10-'11" shows 492,062,101 for levees. This is incorrect.	D. Mraz
Page 39 , Table 4-2	N/A	Major use of funds should include agricultural funding e.g.: Williamson Act program lands and Integrated Regional Water Management funding for Delta Regions designated by DWR.	T. Frink
Page 40	Indicators of Progress... in Future Water Supply	Should include information from DWR Regional Integrated Water Management Program implementation/strategic plan.	T. Frink