STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF WATER RESOURCES
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DELTA COUNCIL
MAILROOM

2010 SEP -2 PM 2:30

August 31, 2010

P. Joseph Grindstaff
Interim Executive Officer
Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento California 95814

Dear Mr. Grindstaff:

I am responding to your letter to Sue Sims dated August 19, 2010 regarding the Delta Stewardship Council's pending review of early actions as listed in Water Code 85080, et seq and requesting the Department of Water Resources (DWR) to notify you by August 31st of any actions for which consideration by the Council committee should be deferred. We understand that the Council committee will be reviewing the remaining actions for which DWR is listed as the responsible agency for consistency with the co-equal goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem and the eight related policy objectives.

We have reviewed the actions contained in Table 1 of your letter and have identified specific ones to be deferred. The attached table lists the individual action, its status, and the earliest time we expect the action to be ready for consideration.

We appreciate your early notification of the likely Council process. Please contact me at (916) 653-8045 to discuss this further or your staff may contact Katherine Kelly at (916) 653-1099 or kkelly@water.ca.gov.

Sincerely,

Gerald E. Johns
Deputy Director
for Sue Sims, Chief Deputy Director

Enclosure

Water Code Section	Action Description	Status	Earliest Date for Possible Consideration
85085(a)	Coordinate with others to implement Two-Gates Project by 12/01/10.	Reclamation, and DWR have coordinated implementation actions since August 2008. Reclamation assumed the lead for this project in July 2009. Extensive analysis and evaluation of the project was conducted by the State Water Contractors in support of this project. Reclamation, along with the USFWS and NMFS, reviewed the project analysis and concluded that the underlying scientific premise of the project needs to be established before the project can move forward, including installation of gates. Reclamation is developing a work plan for further monitoring, analysis, and evaluation to support the scientific premise. The work plan tasks are expected to require several years to complete. DWR and DSC staff should meet to determine an appropriate time for Council committee consideration.	TBD
85085(b)	Evaluate effectiveness of Threemile Slough Project	Reclamation, and DWR are preparing an EIS/EIR for the proposed project. The agencies completed scoping in the Fall of 2008, and performed initial model evaluations for proposed operating scenarios to evaluate water quality, fisheries and water supply benefits. Although progress was hindered by the State freeze on bond funded projects, the Initial Alternatives Investigation Report was completed and posted to Reclamation's Franks Tract website in 2010. Work has been initiated on meeting necessary permit requirements. DWR staff and DSC staff should meet to determine an appropriate time for Council committee consideration.	TBD

85085(c)	Expeditiously move forward on other near term actions as identified in the Strategic Plan (and listed below):		
	Obtain needed information on water diversion and use.	Will be presented to the Council committee as scheduled. DWR staff would like to discuss with DSC staff the type of information needed for the Council committee. No deferral needed.	As scheduled. (Sept.)
	Initiate collection of improved socio-economic, ecosystem, and physical structure data about the Delta to inform policy processes and project level decision making by all public agencies, local, state and federal.	Relevant data from the DRMS Phase I study is complete and has been provided to the Council. DWR staff would like to discuss the type of information needed to be presented to the Council committee prior to committing to a date for review.	TBD
	Accelerate completion of in-stream flow analyses for the Delta watershed by the Department of Fish and Game	DWR staff would like to meet with DSC staff to determine if it is more appropriate for DFG to be designated as the responsible agency for this action. DFG is receiving money for additional positions and contract funds to do instream flow studies; has submitted a prioroty list the State Water Board; and is working with Board on establishing a list and budget for this as is required in Delta Reform act.	October
	Conduct a Middle River Corridor Two Barrier pilot project	This project is the same one referenced in 85085(a). Please see explanation for 85085(a).	TBD
	Complete construction of an alternative intake for the Contra Costa Water District	Will be presented to the Council committee as scheduled. No deferral needed.	As scheduled. (Sept.)
	Evaluate effectiveness of Threemile Slough Project	Same as 85085(b) above.	TBD

85085 (c), continued	Construct a demonstration fish protection screen at Clifton Court Forebay *(not considered in Delta Vision Committee Implementation Report)*	DWR prepared an initial assessment of the feasibility and effectiveness of a low-flow screened intake to the Clifton Court Forebay. These concepts were developed to address periods when State Water Project diversions are constrained to protect delta smelt and other species of concern. The concepts and locations contained in this proposal are for illustration purposes only and require additional discussion and analysis regarding location, composition, and arrangement of fish protective diversion facilities. As a result, several water agencies are embarking on a follow up study to further develop conceptual alternatives to the point where they can undergo a review by a Delta Science Program panel.	TBD
	Advance near-term ecosystem restoration opportunities	Same as 85085 (d).	October
	Stockpile rock and other emergency response materials	Senate Bill X2 1 (Water Code §§ 83000 – 83002.7) authorized DWR to expend of $135 million from Proposition 1E (Section 5096.821, Subsection c) for emergency preparedness supplies & projects. Expenditures of these funds for projects is subject to the approval of the Delta Stewardship Council; Proposed projects will be brought to the Council in accordance with the Water Code.	October
	Assess and improve state capacity to respond to catastrophic events in the Delta	DWR (Div. of Flood Management) is preparing the emergency response plan.	Spring, 2011
85085(d)	Assist in implementing early action ecosystem resporation projects including, but not limited to, Dutch Slough and Meins Island (Meins Landing)	Appropriate staff for presentation not available for September or October meeting. Presentation will focus on Dutch Slough as Meins Landing is being reassessed due to site conditions and Yolo Bypass is in the conceptual phase.	November

	Delta Flood Emergency Preparedness and Response Plan	DWR (Div. of Flood Management) is preparing the emergency response plan.	Summer 2011
	Delta Region Flood Emergency Response Exercise	DWR is coordinating with CalEMA, which is conducting "Golden Guardian 2011" in the Delta.	Jan-Mar, 2011
	Manage levees and land uses to reduce flood risk and preserve options for flood plain function	DWR staff would like to discuss the type of information needed to be presented to the Council committee prior to committing to a date for review.	TBD
	Local and state contingency plans for loss of Delta water supplies and/or drought (includes Drought Contingency Plan) and changes in programs and regulations to support needed adaptations.	DWR staff would like to discuss the type of information needed to be presented to the Council committee prior to committing to a date for review.	TBD