



January 14, 2013

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Via email: DeltaPlanComment@deltacouncil.ca.gov
RecirculateddpEIRComments@deltacouncil.ca.gov
RulemakingProcessComments@deltacouncil.ca.gov

Subject: EMWD Comments on the Draft Final Delta Plan, Draft Program Environmental Impact Report, and Draft Rulemaking Documents

Dear Chairman Isenberg:

Eastern Municipal Water District (EMWD) would like to express its appreciation to the Delta Stewardship Council (Council) for considering the input of Delta stakeholders, including export interests, throughout the public review process on the Delta Plan (Plan). As a member agency of The Metropolitan Water District of Southern California, EMWD relies on the State Water Project to deliver over one-third of our water supply from Northern California through the Delta. Our comments reflect our ongoing concerns with the reliability of these supplies and the important role of the Delta Plan; and the Bay Delta Conservation (BDCP) by incorporation, in providing for the state's water needs.

EMWD has submitted numerous comments and provided testimony at hearings throughout the Delta Plan drafting process. Overall, we are encouraged by the evolution of the draft Plan and the numerous improvements that have been incorporated throughout the process. In particular, we believe the document does a better job of addressing the known stressors to the Delta ecosystem and in making recommendations about how those stressors may be addressed. To ensure that the final draft successfully advances the co-equal goals of ecosystem restoration for the Delta and reliable water supplies for California, however, we believe the following issues must be addressed:

Bay Delta Conservation Plan: The Delta Plan must incorporate the BDCP as a cornerstone of its Plan if the BDCP meets the conditions specified in the 2009 Delta Reform Act legislation. The Delta Plan language and implementing procedures should mirror that of the legislation and clearly states its intent to incorporate the BDCP as a core component of the Plan. We are concerned that the current procedures listed in the Plan appendix does not accomplish this, but are encouraged that staff has stated in public meetings that the Council plans to revisit those procedures in the next couple months. The BDCP is the state and federal governments' central plan to implement ecosystem restoration and water supply reliability. Absent this essential element, the overarching Delta Plan cannot achieve its statutory objectives.

Delta Water Export Supplies: While the draft Delta Plan does not make this statement, the Draft EIR assumes that the Delta Plan implementation will result in less water being exported through the Delta. Reduced reliance does not equate to reduced exports. With improved conveyance, ecosystem restoration, and reductions in the "stressors" that harm Delta species, we

believe that it is feasible to achieve the mandated co-equal goals to restore both water supply reliability and the Delta ecosystem, without reducing exports. The EIR also claims, without support, that sufficient, feasible replacement water sources exist, yet fails to analyze any specifics about how much replacement water would be needed, how difficult it would be to implement, how costly replacement water sources might be, and the possible economic and environmental effects of developing these supplies. Agencies such as ours, in the export region have made great strides and considerable investments in conservation, recycling, and ground water reclamation, among other water supply alternatives. We recognize that future new demands will be satisfied through increased conservation, new local supply development, and additional management strategies. However, continued delivery of baseline imported water supplies provides essential water supply and water quality benefits to our region, and The Metropolitan Water District of Southern California region as a whole, and must be maintained to accomplish these goals.

Regulatory Authority: The Delta Plan should clearly state its goals to encourage statewide water use efficiency and avoid utilizing language that could be misrepresented to regulate local water management decisions outside of the Delta through the covered action review process. In the current draft Delta Plan, policy WR P1, the Council gives itself the discretion to review and judge local water management decisions outside the legally-defined Delta, inappropriately expanding the role of the Council beyond what is outlined in statute and subjecting local agencies to an additional and potentially burdensome review process, irrespective of their water stewardship practices. As currently drafted, the Delta Plan may penalize responsible agencies for the failings of other neighboring districts simply because they share the same wholesale resource for imported water. We appreciate assurances from Council members that they want this discretion only to address alleged “bad actors”, but as an agency that has been successful in advancing local water supply reliability through investments in conservation and recycling, among other management practices, EMWD objects to this proposed policy as currently expressed.

Thank you for the opportunity to comment on the eighth draft of the Delta Plan. We sincerely appreciate the work of the Council and applaud staff and Council members for your hard work and dedication to addressing California’s water resource challenges. We urge your consideration of our remaining concerns and hope these and other comments will contribute to your future deliberations to help ensure a reliable water supply for all Californians. If you have any questions regarding this correspondence, please feel free to contact me at (951) 928-6130 or by e-mail at jonesp@emwd.org.

Sincerely,



Paul D. Jones II, P.E.

General Manager

cc: Senator Bill Emmerson
Senator Richard Roth
Senator Joel Anderson
Assemblymember Brian Jones
Assemblymember Jose Medina
Assemblymember Melissa Melendez
Assemblymember Brian Nestande
Assemblymemeber Marie Waldron
Metropolitan Water District of Southern California