El Dorado County Water Agency

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June 13, 2012

Mr. Joe Grindstaff
Executive Officer
Delta Stewardship Council

RE: Comments on Sixth Staff Draft of Delta Plan

Dear Mr. Grindstaff:

Thank you for the opportunity to review and comment on the Delta Stewardship Council's (DSC) Staff Draft, version 6, Delta Plan. El Dorado County Water Agency exists to ensure that El Dorado County has adequate water today and tomorrow for the basic human needs of existing and future generations as well as the many environmental and recreational resources of the county. We have participated in the DSC process through the review of previous documents, draft plans and DSC meetings and workshops. Additionally, our agency is a participant in the ACWA Ag-Urban Coalition and worked in the development of that group's Alternate Draft Plan as submitted to the DSC previously.

We have noted that the 6th Staff Draft Plan is a significant improvement over the earlier drafts. However, we maintain our earlier concerns regarding the ability of the Plan to be implemented and achieve the co-equal goals for the program.

Our concerns can generally be categorized as falling within the following broad categories:

Financing
California Water Code §85021
Scope of the Delta Watermaster's duties
Water transfer exemptions
Inconsistent terminology relative to "covered actions"
Use of unverified scientific conclusions
Interagency Implementation Committee
Reasonable Use of Water

We have also provided specific, recommended language changes following these broad categories of concerns.

Financing

We have continued concerns regarding the notion of a "stressor fee" as discussed in the Draft Plan. We are unclear exactly what degree of "stress" would create a threshold to "trigger" the fee or exactly what it would be based upon and what the metric(s) would be to identify and quantify, what would likely be, multiple stressors.

One could argue that essentially any activity within most parts of California by humans constitutes a stressor to some degree on an ecosystem. However, not all ecosystems in California are the Delta Ecosystem. Our agency is located within the Sierra Nevada Ecosystem. A distinction by the Council and its Independent Science Board (ISB) for other ecosystems must be incorporated into the Delta Plan.

We strongly suggest that DSC staff empanel a stakeholder advisory group to work with staff to develop a reasonable and supportable financing vehicle for the DSC.

CWC §85021

The Sixth Draft Delta Plan confuses the intent of Water Code section 85021[1] by commingling the terms "reducing reliance" and "achieving regional self-reliance".

Specifically, the Sixth Draft states a metric under which "a significant reduction in net water use, or in the percentage of water used, from the Delta watershed" would be used to measure consistency with section 85021. (Sixth Draft, pp. 100, 109.) Yet, this metric does not accurately reflect the second sentence in section 85021, which states:

> Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.

It is clear that 85021's intention is that areas that depend upon water from the Delta watershed will improve in the efficient use of water through a number of actions. Additionally, it is evident that several types of State Resource Management Strategies (California Water Plan Update 2009, Vol. 2) identified in this portion of Section 85021 – especially, "local and regional water supply projects" and "improved regional coordination of local and regional water supply efforts" – could actually result in

[1]Further references to statutes are to Water Code sections.

increased water use within the Delta watershed. This is anticipated in the Delta Reform Act Sections 85031(a) - which protects area-of-origin rights in the watershed - and 85302(i) - which states that nothing in the Act affects "[a]ny water right."

It is also possible that areas dependent upon water diverted from within the Delta could be similarly affected. That is, they would have carried out all reasonable and prudent State Resource Management Strategies (California Water Plan Update 2009, Vol. 2) and still need additional water supplies from the Delta to accommodate new population growth.

However, both agencies diverting water within the Delta watershed and those agencies whose water is diverted from within the Delta should pursue the implementation of State Resources Management Strategies (RMS) which would significantly mitigate potential influences upon the Delta and its watershed.

Such increased use of water may also be necessary not only to meet growing demands with the only available supplies but also to allow for increased diversions in wet periods to enable reduced diversions in dry periods. For example, conjunctive-use programs in the watershed might involve such measures. Section 85021, therefore, must be interpreted to allow for an ultimate increase of use in the watershed and from the Delta.

Revise Delta Plan discussion of section 85021 to state an appropriate use of Resource Management Strategies and the efficient use of water throughout the hydrologic cycle in response to water supply needs within the State.

Delta Watermaster's Duties

On page 108, the Sixth Draft Delta Plan suggests expansion of the scope of the Delta Watermaster's duties in contravention to Water Code section 85230, which states, in part, "The Delta Watermaster's authority shall be limited to diversions in the Delta, and for the monitoring and enforcement of the board's orders and license and permit terms and conditions that apply to conditions in the Delta."

The Legislature explicitly stated that the Delta Watermaster's duties *"shall be limited"* to the boundaries of the Delta. Any expansion of geographic scope must come from the Legislature. Further, the Delta Watermaster surely should establish certainty of water diversions and use within the Delta through a written assessment detailing findings of specific water rights (place, amount, use, etc.) as well as specific illegal diversions and actions to cease the illegal diversions. Certainty of water use must be established in order to ultimately achieve the goal of reduced reliance on the Delta.

Water Transfer Exemptions

The Sixth Draft Delta Plan's administrative exemption for temporary water transfers of up to one year in duration has been changed from a broad exemption that covers all temporary water transfers to a limited exemption that covers only temporary transfers that are subject to State Water Board approval and are exempt from CEQA review under Water Code sections 1725 - 1732.

The Sixth Draft of the Delta Plan, like previous drafts, contains a list of administrative exemptions for certain actions that the DSC deems not to be covered actions because they will not have a significant effect on the co-equal goals. (See Water Code section 85057.5(a)(4).) The Sixth Draft contains a limited administrative exemption for water transfers of one year or less, which states, "Temporary water transfers of up to 1 year in duration exempted from CEQA pursuant to Water Code section 1729." (Delta Plan, Sixth Draft, p. 53:34-35.) The Fifth Draft of the Delta Plan, however, provided an exemption for, "Temporary water transfers of up to 1 year in duration." (Delta Plan, Fifth Draft, p. 58:28.) The problem with the Sixth Draft's limitation on temporary water transfers is that it only applies to those temporary transfers that are exempt from CEQA under Water Code section 1729. Under Water Code section 1729, only one-year transfers under water right permits or licenses that are subject to review by the State Water Board would be exempt. The result of the language change from the Fifth Draft to the Sixth Draft is that it excludes through-Delta, temporary transfers under pre-1914 water rights and subjects them to appeals to the DSC.

The concern with the limitation is that a third party could use the DSC's process for appealing covered action determinations to prevent the implementation of one-year transfers of water under a pre-1914 water right, even if the DSC were to ultimately deny the appeal. Under the 2009 Delta Reform Act and DSC regulations governing appeals: (1) there would be 30 days from the approval of a transfer for someone to file an appeal; (2) the DSC would have 60 days from the filing of the appeal to hold a hearing; and (3) the DSC would have another 60 days to make a decision on the appeal. (Water Code sections 85225.15, 85225.20; Delta Plan, Sixth Draft, Appendix B.) Even if the DSC ultimately denies an appeal, the minimum 150-day delay resulting from the appeal is almost certain to prevent a proposed transfer under a pre-1914 water right from occurring, given the existing regulatory constraints on the timing and availability of pumping capacity to move water through the Delta.

In addition, if the Delta Plan were to enable appeals to the DSC of temporary water transfers, there would be more work and cost associated with such transfers because the agencies involved would have to certify each transfer's consistency with the Delta Plan and comply with the DSC's procedures that require the administrative record supporting the consistency certification to be filed within 10 days after the filing of an appeal. (Water Code section 85225; Delta Plan, Sixth Draft, pp. 56-57 [describing contents of consistency certification], Appendix B, Administrative Procedures.)

Most important, the limitation on temporary water transfers inserted into the Sixth Draft renders the exemption inconsistent with the DSC's Policy WR R15 encouraging responsible agencies to streamline water transfers. As stated in the Sixth Draft of the Delta Plan, Policy WR R15 provides:

"The Department of Water Resources and the State Water Resources Control Board should work with stakeholders to <u>identify and implement measures to reduce procedural and administrative impediments to water transfers</u> while protecting water rights and environmental resources by 2014."

(Delta Plan, Sixth Draft, p. 104:32-36; emphasis added.)

When discussing previous drafts of the administrative exemption for temporary water transfers that were similarly limited, representatives of the ACWA Ag/Urban Coalition pointed out to DSC staff that a broad exemption for transfers like the one included in the Fifth Draft is appropriate because it is consistent with the DSC's policy encouraging all responsible State agencies to facilitate water transfers. The risks and costs associated with the DSC's appeals process could make a significant amount of water unavailable to water users downstream of the Delta in years when they experience significant cutbacks in their water supplies. It was also pointed out to DSC staff that temporary transfers do not affect the co-equal goals. Temporary transfers that are not subject to State Water Board approval still are subject to CEQA review by the agencies involved in a transfer. The relevant regulatory and operational agencies overseeing a transfer, e.g., the State Water Board, DFG, DWR, and Bureau of Reclamation, receive notice of CEQA review and have an opportunity to comment on a proposed transfer. If the transfer occurs, the water is moved in accordance with all of the existing regulatory constraints on conveying water through the Delta. Temporary water transfers do not affect water supply reliability because they occur only sporadically and are subject to the ability of upstream agencies to make water available in any given year and the interest and capacity of various export agencies to receive the water.

We recommend that you revise the Sixth Draft Delta Plan's administrative exemption for temporary water transfers to reflect a broad exemption for all temporary water transfers of up to one year in duration, as reflected in the Fifth Draft. Since circumstances have not changed since the Fifth Draft was released and staff proposed that the DSC approve a plan that includes a policy encouraging water transfers, the limits on water transfers of up to one year in the Sixth Draft are unwarranted.

Inconsistent Language – "Proposed Action" vs. "Covered Action"

The Sixth Draft Delta Plan adds a new layer, "proposed action," to the determination of what constitutes a "covered action." The Sixth Draft contains an updated section discussing "covered actions." While the Sixth Draft clarifies many ambiguities found in the Fifth Draft Delta Plan, it raises new uncertainties beginning on page 52.[2] It adds a new layer of "proposed actions" when the first four screening criteria are met. Only when the fifth screening criteria of being covered by one or more provision of the Delta Plan is met is an action deemed to be a "covered action." This new layer is unnecessary and adds confusion. It is unclear what action may be a proposed action but not a covered action. There is no explanation or justification for using the term "proposed action" as a substitute for the term "covered action."

We believe replacing the term "proposed action" with the term "covered action," as established in the 2009 legislation, can rectify this unnecessary confusion.

Use of Unverified Scientific Conclusions

[2] For instance, the final paragraph states: "If the above four screening criteria are met, then ...the project is referred to as a 'proposed action.' If any of the four screening criteria are not met ... the project is not considered a covered action..." This language is confusing, whereas the statute is clear as to what constitutes a covered action. Adding a new concept unnecessarily complicates matters.

The Sixth Draft includes scientific determinations or conclusions on issues where there is scientific uncertainty or difference of opinion. The DSC should avoid making scientific conclusions or rendering opinions on issues which are scientifically uncertain or where scientific debate exists. The DSC's role is to develop policy and recommendations to ensure regulatory action is supported by the best science available. The DSC steps outside its authority and expertise by using the Delta Plan to render opinions or judgments about specific scientific issues. Because the Delta Plan is not a document supported by a rigorous analysis of all available science by biological or other experts, the scientific conclusions made by the Delta Plan are not properly supported and should be removed.

Please remove scientific conclusions that are unsupported or pertain to scientific issues where there is an on-going scientific debate. Specifically, remove all sections on X-2.

Interagency Implementation Committee

Despite repeatedly acknowledging the critical role local agencies will play in implementation of the Delta Plan, the Sixth Draft excludes local agencies from the interagency implementation committee – the "most significant tool the Council will have for implementing the Delta Plan and ensuring accountability in a formal method for agency coordination." (p. 46: 34-42) The Sixth Draft recognizes that "[t]he Council's most important and challenging role is the facilitation, coordination, and integration of a range of actions and policies in support of the coequal goals." (p. 36: 27-28) Actions and policies to implement the Delta Plan will "occur over time [] through the coordinated efforts of many State, local, and federal agencies, in cooperation with nongovernmental organizations and private parties, and Council oversight and exercise of appellate authorities." (p. 46: 2-9.) The Council will oversee these efforts largely through its "leadership of a formal interagency implementation committee [IIC] . . . " (Id. at ll. 28-29) In fact, the Sixth Staff Draft finds that there is a "compelling need" to convene an IIC for the Council to fulfill its role as integrator of Delta policy and coordinator of actions. (p 46: 14-24) Despite the fact that many of the actions to be considered by the IIC will be performed and paid for by local agencies, as recognized throughout the Sixth Draft, the proposed membership of the IIC is limited exclusively to State and federal agencies. Given the role and responsibilities of local agencies in achieving implementation of the coequal goals, this must change.

IIC membership should be expanded to include representatives of local government with a vested interest in implementation of the Delta Plan. The council should create a stakeholder advisory group that can provide direct input to the interagency implementation committee. This approach has been successfully used by other state agencies such as the State Water Resources Control Board (development of the state water recycling policy), and the Natural Resources Agency and Department of Fish and Game (development of the 2012 Fish and Wildlife Strategic Vision).

Determining the Reasonable Use of Water

The Sixth Draft presents recommendations that overreach its scope of responsibility, by intruding on the prerogatives of the State Water Resources Control Board to decide how to evaluate reasonableness of water use. This is especially evident in W R3 which goes beyond simply encouraging the SWRCB to evaluate petitions and applications for reasonableness of use by

recommending how the Water Board should conduct its evaluation. This infringes on the authority and autonomy of the Water Board.

We request that you modify WR R3 on page 101, lines 13-22 as shown below:

> The State Water Resources Control Board should evaluate all applications and petitions for a new water right or a new or changed point of diversion, place of use, or purpose of use that would result in new or increased long-term average use of water from the Delta watershed for consistency with the constitutional principle of reasonable and beneficial use. ~~The State Board should conduct its evaluation consistent with Water Code sections 85021, 85023, 85031 and other provisions of California law. An applicant or petitioner should submit to the State Board sufficient information to support findings of consistency, including, as applicable, its Urban Water Management Plan, Agricultural Water Management Plan, and environmental documents prepared pursuant to CEQA.~~

Proposed Edits to Sixth Draft Delta Plan (insertion underlined, deletions in strikeout):

1. Chapter 1, page 5, lines 35-37:

   Consistent with the longstanding water rights in California, it proposes to mitigate for potential adverse impacts to the Delta and improves regional self-reliance in areas that rely on water from the Delta and the Delta watershed though the implementation of a statewide investment program to support resource management strategies of the State (California Water Plan Update 2009, Vol. 2) that will provide for a much more efficient use of water resources. Additionally it recommends that all local agencies implement local or regional plans to diversify and integrate supplies and improve efficiency.

2. Chapter 1, page 21, lines 30-32:

   Consistent with the longstanding water rights in California, it proposes to mitigate for potential adverse impacts to the Delta and improves regional self-reliance in areas that rely on water from the Delta and the Delta watershed though the implementation of a statewide investment program to support resource management strategies of the State (California Water Plan Update 2009, Vol. 2) that will provide for a much more efficient use of water resources. Additionally it recommends that all local agencies implement local or regional plans to diversify and integrate supplies and improve efficiency.

Chapter 3, page 68, green text block:

Regions that use water from the Delta watershed will ~~reduce their reliance on this water for reasonable and beneficial uses~~, ~~and~~ improve their regional self-reliance though the implementation of a statewide investment program to support State Resource Management Strategies (California Water Plan Update 2009, Vol. 2) that will provide for a much more efficient use of water resources as well as improved regional coordination of local and regional water supply efforts consistent with existing water rights and the State's area of origin statutes and Reasonable Use and Public Trust Doctrines.

- This will be done by improving, investing in, and implementing applicable Resource Management Strategies of the State and enhance regional coordination of local and regional water supply development efforts, and the use of advanced water technologies.

4. Chapter 3, page 68, line 17, through page 69, line 2:

The Delta crisis cannot be resolved by taking actions in the Delta alone. The Delta Reform Act establishes a new policy for California of reducing "reliance on the Delta in meeting California's future water supplies" (Water Code section 85021). Reduced reliance is to be achieved through "a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." Consistent with longstanding water rights protected by the Act (Water Code section 85302(i)), the Act also states that "each region that depends on water from the Delta watershed shall improve its regional self-reliance through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts."

5. Chapter 3, page 69, lines 7-9:

An integrated approach that includes increased water use efficiency, regional diversification and integration of water supplies, implementation of California Resource Management Strategies (California Water Plan Update 2009, Vol. 2) that will individually and cumulatively result in a lessened ~~reduced~~ reliance solely for new water supplies from the Delta watershed. This approach will also include concurrent improvements to storage statewide and improved Delta infrastructure to help to meet California's future water supply needs by building the resiliency and reliability of California's water supply.

6. Chapter 3, page 69, lines 17-18:

Regions that use water from the Delta watershed will have ~~reduced their reliance on this water~~ improved their regional self-reliance."

7. Chapter 3, page 76, line 36:

... appropriative) exceeds the surface water supplies that are available in some streams, if all the right-holders fully perfected and...

8. Chapter 3, page 78, lines 7-9:

As stated in Water Code section 85021, ~~S~~state ~~law~~ policy is "to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." ~~now requires all water suppliers who use water from the Delta or the Delta watershed to reduce their reliance on those supplies to meet future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. The State law requires that~~ State policy also is, as also stated in Water Code section 85021, that, "(E)ach region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts." ~~(Water Code section 85021). These strategies will provide new water supplies for the coming century; will help protect the Delta's beleaguered ecosystem; and, combined with State improvements in the Delta, will provide a more reliable water supply for California.~~

The implementation of a statewide investment program in support of Resource Management Strategies of the State (California Water Plan Update 2009, Vol. 2) will provide for a much more efficient use of water resources for those receiving water from the Delta and those using water within the Delta watershed. This increased efficiency will result in the utilization of multiple options for meeting future water supply needs, while mitigating potential adverse influences on the Delta and its watershed.

9. Chapter 3, page 88, lines 29-31:

"... because of limited funding and restrictions in some of the grant provisions. The section, Local Water Management in California, later in this chapter, provides further detail on the range of options and describes ~~necessary~~ steps that regions should take to improve regional self-reliance and, the role of a statewide investment program in support of Resource Management Strategies of the State (California Water Plan Update 2009, Vol. 2) in reducing reliance on the Delta."

10. Chapter, 3, page 92, lines 31-34:

Water developed through these activities can help reduce conflicts among urban, agricultural, and environmental uses, and can contribute to the ability of California statewide_to ~~reduce reliance on water from the Delta watershed, to improve their regional self-sufficiency.~~ utilize water in an efficient manner consistent with locally

applicable California Resource Management Strategies (California Water Plan Update 2009, Vol. 2) so as to lessen potential adverse consequences of use of water from the Delta watershed.

11. Chapter 3, page 94, green text block, paragraph 1:

Significant improvements in water management are being implemented throughout California~~, especially in regions that rely upon water from the Delta~~. The 2010 Urban Water Management Plan updates and voluntary Integrated Regional Water Management Plan (IRWMP) grant applications filed in 2010 provide insight into what individual water agencies and regional planning efforts are doing to improve water efficiency measures, implement California Resource Management Strategies from the State Water Plan and develop additional local water supplies to reduce statewide reliance on water from the Delta and within the Delta watershed, to improve their regional self-sufficiency. Some examples follow.

12. Chapter 3, page 95, lines 8 – 17:

Compliance with all applicable State water efficiency and management statutes and policies ~~at a minimum~~ should be ~~a starting point~~ used for assessing a water suppliers reasonable use of California's water. In particular, water suppliers that do not engage in efficient use of water, particularly where the implementation of proven measures and technologies are economically justifiable locally cost effective and do not harm other water users, should be held accountable ~~for wasting water~~ for their water use practices.

~~The SWRCB should be encouraged to use its authority to prevent waste and unreasonable use by seeking enforcement of the State's requirements. The potential for this type of action was anticipated in the Water Conservation Act of 2009 (SBX7 7), which explicitly recognized that the failure of urban water suppliers to reduce urban per capita water demand consistent with the State's 20 percent by 2020 conservation requirements could result in unreasonable use proceedings before the SWRCB, starting in 2021 (Water Code section 10608 et seq.).~~

13. Chapter 3, page 100, lines 1-13:

An assessment of future water supply reliability is now required in Urban Water Management and Agricultural Water Management Plans as well as in voluntary regional water planning documents known as IRWMPs. ~~For areas that rely upon water from the Delta watershed, the failure of many water suppliers to identify and evaluate actions to reduce their reliance on the Delta is a significant impediment to achieving the coequal goals~~.

Problem Statement

The lack of ~~full~~ participation by some water suppliers throughout California to implement laws, programs, and projects that improve water efficiency and expand local and regional water supplies~~, and reduce reliance on the Delta watershed~~ contributes to higher water demands and less water supply to meet these demands. A lack of growth in local or regional efficiency or supplies may impose greater pressure on the Delta ecosystem for its water, and more vulnerability to the impacts of climate change and catastrophic events. A~~t a minimum, a~~ll water suppliers should demonstrate ~~full~~ compliance with applicable State water efficiency and management laws, goals, and regulations to demonstrate reasonable and beneficial use of the state's water resources. They should also demonstrate the implementation of locally applicable Resource Management Strategies of the State in improving the efficient use of water resources throughout the hydrologic cycle as described in the State Water Plan.

14. Chapter 3, page 100, lines 15-30:

WR ~~P1~~ R1 Reduce Reliance on the Delta in Meeting Future Water Supply Needs

A ~~proposed~~ covered action is inconsistent with the Delta Plan if: (1) a region ~~one or more water suppliers~~ that would receive water as a result of the ~~proposed~~ covered action ~~have~~ has failed to reduce its ~~their~~ reliance on the Delta and adequately contribute to improved regional self-reliance; (2) that said failure has significantly caused the need for the proposed action; and (3) the proposed action would have a significant adverse environmental impact in the Delta.

Among the covered actions this policy applies to is a covered action ~~covers a "proposed action"~~ to export water from, transfer water through, or use water in the Delta.

For the purposes of this policy, "reducing reliance on the Delta ~~and~~ or adequately contributing to improved regional self-reliance" means (1) an achievement ~~significant reduction in net per capita water use~~ of the SBX 7-7 20 x 2020 water use efficiency target and objective; (2) ~~or~~ a reduction in the percentage of water diverted from the Delta ~~watershed water used, from the~~ as a part of total water supply for the region; ~~from the Delta watershed, which may be achieved through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts, and at a minimum, must be achieved through~~ or (3) compliance with existing applicable state laws regarding water conservation, water efficiency and urban and agricultural water management planning. (1), (2), and (3) may be achieved through investment in ~~water use efficiency, water recycling, advanced water technologies, local and regional water supply projects~~, resource management strategies (RMS) of the State (California Water Plan Update 2009, Vol. 2), investing in the improved efficient use of water resources throughout the hydrologic cycle, and improved regional coordination of local and regional water supply efforts.

15. Chapter 3, page 101, lines 24-36:

Water suppliers that ~~receive~~ water from within the Delta or divert water within the Delta watershed should include an expanded Water Supply Reliability Element, starting in 20~~1~~20, as part of the update of its Urban Water Management Plan, Agricultural Water Management Plan, ~~Integrated Water Management Plan~~ or other plan that provides equivalent information about the supplier's planned investments in water use efficiency ~~conservation~~ and water supply development. The expanded Water Supply Reliability Element should detail how those water suppliers ~~who receive water from the Delta are contributing to the goal of reducing reliance on the Delta. Those water users who receive water from the Delta watershed should show how they are improving regional self-reliance. The plans should illustrate the programs and projects that will be consistent with and improving regional self-reliance consistent with Water Code section 85021. through investments in local and regional programs and projects, and should document achievement of a reduction in net water use, or in percentage of water used from the Delta watershed.~~ that divert water from within the Delta are implementing all reasonable, and applicable Resource Management Strategies of the State (California Water Plan Update 2009, Vol. 2) so as to mitigate for the potential adverse consequences of using Delta water resources through local and regional efforts. At a minimum, these plans should include a plan for possible interruption of any water supplies exported from the Delta up to 36 months due to catastrophic events, evaluation of the regional water balance, a climate change vulnerability assessment and an evaluation of the extent to which the supplier's rate structure promotes and sustains efficient water use."

For those agencies that divert water from within the Delta watershed their plans should detail how those water suppliers are also implementing all reasonable, and applicable Resource Management Strategies of the State (California Water Plan Update 2009, Vol. 2) so as to mitigate for the potential adverse consequences of using Delta watershed water resources through local and regional efforts.

16. Chapter 3, page 101, line 41:

. . . suppliers can implement WR - R4 by 20~~15~~20.

17. Chapter 3, page 103, lines 12-16:[3]

Water suppliers that receive ~~water from~~ water that is diverted from the Delta ~~watershed,~~ or that divert water from within the Delta watershed and that obtain a significant percentage of their long-term average water supplies from groundwater ~~sources~~ basins as identified by the Department of Water Resources' Bulletin 118 (Update 2003) should develop and implement sustainable groundwater management plans that are consistent with both the required and recommended components of local groundwater management plans identified by the Department of Water Resources' Bulletin 118 (Update 2003) by December 31, 2014. "

18. Chapter 3, page 108, lines 13-18:

Meeting California's future water supply through a statewide strategy of investments and resource management strategies to reduce reliance on the Delta.

The Delta Plan identifies two core measures of water management consistent with Water Code section 85021. The first, is though the implementation of a statewide investment program to support resource management strategies of the State (California Water Plan Update 2009, Vol. 2) that will provide for a much more efficient use of water resources. This efficiency will result in the utilization of multiple options for meeting future water supply needs, while mitigating potential adverse influences on the Delta and its watershed.

The second is that each region that depends on water from the Delta and its watershed shall improve its regional self-reliance by implementing resource management strategies (RMS) of the State (California Water Plan Update 2009, Vol. 2) and investing in the improved efficient use of water resources throughout the hydrologic cycle. These RMS are; Agricultural Stewardship, Agricultural Water Use Efficiency, Conjunctive Management and Groundwater Storage, Conveyance (Delta), Conveyance (Regional/Local), Desalination, Drinking Water Treatment and Distribution, Economic Incentives, Ecosystem Restoration, Flood Risk Management, Forest Management, Groundwater Remediation/Aquifer Remediation, Land Use Management, Matching Water Quality to Use, Pollution Prevention, Precipitation Enhancement, Recharge Area Protection, Recycled Municipal Water, Salt and Salinity Management, Surface Storage (Calfed), Surface Storage (regional/local), System Reoperation, Urban Runoff Management, Urban Water Use Efficiency, Water Transfers, Water Dependent Recreation and Watershed Management. These RMS will assist in the achievement of 20 x 2020 targets, and be considered for implementation as part of each Integrated Regional Water Management Program (IRWMP).

[3]The groundwater storage graph on page 97 of the Sixth Draft Delta Plan indicates that there is no significant overall groundwater problem in the Delta watershed, which comprises the Sacramento, Delta and Eastside Streams and San Joaquin Basin.

19. Chapter 3, page 108, lines 32-35:

~~"The Delta Watermaster is in the process of completing an assessment of potential illegal water diversions within the Delta. This assessment should be expanded to the Delta watershed and should include recommendations for how the over-allocation of water rights within the Delta watershed should be addressed."~~

20. Chapter 3, page 109, lines 6-8:

Water suppliers that receive water from the Delta and Delta watershed have documented achievements of improved regional self-reliance through investment in State Resource Management Strategies (California Water Plan Update 2009, Vol. 2) that are locally and regionally applicable. These achievements will demonstrate an increased efficient use of water resources throughout the hydrologic cycle in support of local and regional water supplies.

21. Chapter 6, page 229, lines 9-13:

The State Water Resources Control Board and Central Valley Regional Water Quality Control Board should consider requiring participation by all relevant water users that are supplied water from the Delta or the Delta Watershed, or discharge significant amounts of wastewater to the Delta or the Delta Watershed, and make a demonstrable contribution to the problems addressed by ~~to participate in~~ the Central Valley Salinity Alternatives for Long-Term Sustainability Program (CV-SALTS) to participate in that program.

We again thank you for the opportunity to comment on Staff Draft Version 6 of the Delta Plan. Our agency will continue to work with the DSC and their staff throughout the remainder of the DSC Plan development and adoption process. We have and will continue to participate in DSC meetings and workshops to improve the quality of the Plan. As a responsible agency under CEQA will also review the EIR when it is recirculated and participate through meaningful comments on that document.

Our agency will also continue to actively support the efforts of the Ag-Urban Coalition and provide input through that process as well.

Sincerely,

Dave Eggerton
General Manager