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June 12, 2012

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Mr. Phil Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Re: Comment on the Final Staff Draft Delta Plan

Dear Chairman Isenberg:

The Kern County Water Agency (Agency) appreciates this opportunity to provide comments on the Final Staff Draft of the Delta Plan (Delta Plan). The Agency is the second largest contractor on the State Water Project (SWP), delivering SWP water to 14 public water agencies in Kern County. The Agency's mission is to assure that adequate, reliable and affordable water supplies are available for the people, economy and lands of Kern County.

The Agency commends the efforts of the Delta Stewardship Council (Council) and its staff in preparing the final draft of the Delta Plan and in engaging in a comprehensive comment process throughout the development of this and previous drafts of the Delta Plan as well as the Draft Environmental Impact Report (EIR). The Agency has participated in the Delta Plan comment process through its participation in the ACWA Ag-Urban Coalition and the State Federal Contractors Water Agency. However, we remain concerned with the plan's ability to achieve the coequal goals of ecosystem restoration for the Delta and a more reliable water supply for California. Specifically, the final draft Delta Plan contains a revised policy (WR P1) that defines "reduced reliance" as "a significant reduction in net water use, or in the percentage of water used, from the Delta watershed." This definition is a considerable departure from the intent of the Sacramento-San Joaquin Delta Reform Act (Delta Reform Act) and other State policy that established the coequal goals of increasing statewide water supply reliability and restoring Delta ecosystems.

The California Legislature passed the Delta Reform Act in 2009 as a comprehensive approach to resolving long-standing water management and ecosystem problems in the Sacramento-San Joaquin Delta (Delta) and established the Delta's water supply and ecosystem uses as coequal goals. To support the coequal goals the Legislature included a requirement to reduce *future* reliance on the Delta. The Agency is concerned that WR P1 fails to achieve the coequal goals because it ignores the Legislature's direction to reduce future reliance on

the Delta in favor of reducing the *existing* use of Delta water. The Agency strongly supports the Legislature's efforts to promote improvements in regional self-reliance for water by seeking to reduce future reliance on the Delta. Choosing a policy of reducing future reliance on the Delta instead of seeking to create water supply deficits by requiring reductions in existing deliveries of water from the Delta more easily and practically achieves the coequal goals quickly without causing economic harm to regions of the state that depend on Delta water.

The Agency views the Delta Plan's statements on reduced reliance to be in conflict with generally accepted practices of good water management policy. The Agency is particularly concerned that this policy reversal will damage decades of positive water management projects in Kern County. The Agency, along with its member districts and other SWP partners, has invested aggressively in regional water management strategies in Kern County. Projects including cutting edge water conservation, urban and agricultural water use efficiency, regional coordination and groundwater banking enable the Agency to conserve water in all years and store local and Delta water during wetter years for use during drier years.

The groundwater banking projects in Kern County also serve urban areas in Southern California and the Bay Area. A reduction in the existing level of deliveries from the Delta, as contemplated by the Council, would severely limit the ability of the Agency's groundwater banking programs and reduce the reliability of regional and statewide water supplies.

The Agency strongly urges the Council to reconsider its interpretation of the Delta Reform Act's "reduced reliability" language by eliminating references to reducing the net delivery of water from the Delta watershed. This could be accomplished by completely removing WR P1 as currently written from the final draft of the Delta Plan. Alternatively, the Agency proposes the following revision to WR P1:

A covered action is inconsistent with the Delta Plan if (1) a region that would receive water as a result of the proposed action has failed to reduce its reliance on the Delta and adequately contribute to improved regional self-reliance; (2) that 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.

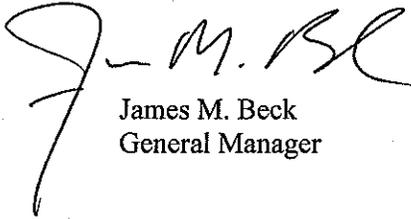
This policy covers a proposed action to export water from, transfer water through, or use water in the Delta.

For the purposes of this policy, "reducing reliance on the Delta or adequately contributing to improved regional self-reliance" means (1) a reduction in net per capita water use; (2) a reduction in the percentage of Delta watershed water used as a part of total regional water supply; or (3) compliance with 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, and improved regional coordination of local and regional water supply efforts.

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Thank you for the opportunity to comment on the Final Staff Draft of the Delta Plan. If you have any questions regarding these comments, please contact Brent Walthall or Larry Rodriguez of my staff at (916) 325-1600.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Beck". The signature is stylized with a large, sweeping initial "J" and a long horizontal stroke.

James M. Beck
General Manager

cc: Honorable John Laird
Dr. Jerry Meral
Mr. Tim Quinn
Mr. Byron Buck
Mr. Charlie Hoppin