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MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
OF SOUTHERN CALIFORNIA

January 10, 2013

Phil Isenberg, Chairman
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814
By Email: deltaplancomment@deltacouncil.ca.gov

Re: Draft Final Delta Plan, Draft Program Environmental Impact Report, Draft Rulemaking Documents

Dear Chairman Isenberg and Council Members:

As a Southern California water agency entirely dependent upon water transferred through the Sacramento-San Joaquin River Delta, Las Virgenes Municipal Water District (LVMWD) writes to share its observations on the proposed Delta Plan. In the past, LVMWD has expressed concerns with the reliability of supplies delivered through the State Water Project and the important roles of the Delta Plan and the Bay Delta Conservation Plan (BDCP). We write to reiterate those concerns and to share some additional thoughts.

The Metropolitan Water District of Southern California and other public water agencies have submitted numerous comments throughout the Delta Plan drafting process. Overall, we are encouraged by the evolution of the draft plan and numerous improvements to the document throughout this process. In particular, we believe the document does a better job of addressing the known stressors to the Delta ecosystem and its recommendations on how they 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, we believe the following issues must be addressed:

1. **Bay Delta Conservation Plan:** The Delta Plan must incorporate BDCP as a foundational component of its own Plan, provided that BDCP meets the conditions specified in the 2009 Delta Reform Act legislation. Delta Plan language and implementation procedures should mirror the legislation and clearly state the intent to incorporate BDCP as a core component of the plan. LVMWD shares the concern that the procedures listed in the Plan appendix do not do this in the existing draft, but we are encouraged that staff has stated in public meetings that the Council plans to revisit those procedures in the near future.

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The BDCP contains the state and federal central plan to implement ecosystem restoration and water supply reliability. Without this essential element, the overarching Delta Plan is at risk of failing to achieve its statutory objectives.

2. **Delta Water Export Supplies**: While the draft Delta Plan does not make this statement, the Draft EIR assumes that Delta Plan implementation will result in less water being exported through the Delta. We submit that reduced reliance does not equate to reduced exports. With an improved conveyance, ecosystem restoration, and reductions in the "stressors" that harm Delta species, LVMWD believes it is possible 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. It should be noted that LVMWD and other agencies dependent upon imported water have already made great strides and significant investments in conservation, recycling, and water use efficiency. We would not want anyone to leave with the impression that "replacement water sources" are a de novo concept or that they currently don't exist. Last year, nearly 20 percent of the water delivered by LVMWD was recycled water used for irrigation, and we continue to plan future investments in recycling and conservation programs. However, normal growth patterns make it necessary to provide for additional needs in our service area. Metropolitan has stated that future new demands will be satisfied through increased conservation and new local supply development, reducing the region's dependence on supplies from Northern California. We support this resource objective; however, continued delivery of baseline imported water supplies provides an essential water supply and water quality benefits to our region that must be maintained to accomplish these goals.

3. **Regulatory Authority:** The Delta Plan should clearly state its goals to encourage statewide water use efficiency and avoid utilizing language that could be misinterpreted 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. This would appear to be an inappropriate expansion of the Council's role beyond that outlined in statute. The effect could subject 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 districts simply because they share the same wholesale resource for imported water. LVMWD appreciates assurances from Council members saying this discretion is only to address alleged "bad actors", but as an agency that has been successful in advancing local water supply reliability through significant investments in conservation and recycling, as well as other water management practices, we object to this proposed policy as currently expressed.

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LVMWD sincerely appreciates and respects the work of the Council and its response to the challenge of creating a plan that effectively establishes a new governance structure and guidance for the Delta's many stakeholders to cooperatively and constructively resolve California's water resource issues.

We urge your consideration of the concerns expressed herein and hope these, and other comments, will contribute to an outcome that will help assure the dual goals of a reliable water supply for California and restoration of the Delta ecosystem.

Sincerely,

David R. Lippman, P.E.
Interim General Manager

cc: Senator Fran Pavley
Metropolitan Water District of Southern California